

**DEBATES AND PROCEEDINGS OF THE THIRD**

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

**FOURTH SESSION**

**THIRD LEGISLATURE**

**THURSDAY, 15 NOVEMBER 2007**

**THE HOUSE MET AT 10:00 IN THE LEGISLATIVE CHAMBER,  
PIETERMARITZBURG.**

**1. SILENT PRAYER OR MEDITATION, OR READING OF THE PRAYER IN  
SCHEDULE 2.**

The Speaker, Mr T W Mchunu, took the Chair and read the prayer.

**2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

**THE SPEAKER:** It is with great sadness that I have to announce the passing away of Ms Philile Mdletshe, daughter of the hon Inkosi B N Mdletshe, who passed away on 3 November 2007 and was laid to rest on 11 November 2007 at EmfaNela Residence, kwaHlabisa.

I also announce with sadness the passing away of Mr Mandla Makhanya's sister. Mr Makhanya is the Senior Table Officer. The name of his sister is Zenzile Victoria Makhanya. She passed away on last Thursday, 8 November 2007, and will be laid to rest on Saturday, 17 November 2007. Funeral details are as follows: The service is at the kwaMakhanya residence, Mahlabathini, and the time will be 10:00. After the service everybody will proceed to KwaSishwili Cemetery.

My last announcement is again a sad one. I have to announce the passing away of Prince Malusi Zulu, son of the late Prince G N Zulu. He passed on last week. I would like to request that we remember these families in our thoughts and prayers during these hard times that have befallen them. Please let us rise and observe a minute of silence.

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*The House observed a minute of silence.*

**THE SPEAKER:** May their souls rest in peace. Amen.

In the case of Inkosi Mdletshe, I just want to indicate how sad we were to learn of this. I hope he will understand that it was very difficult for all members to attend the funeral, but I had requested some members to attend. I want to thank those members who were able to be with Inkosi Mdletshe during that very trying time. I know the Chair of Chairs was able to be there, together with some other members. Please, let us keep it up. Let us keep it up, hon members. These are very difficult times for the families that are affected at any given time. Therefore, when we are there, we can give them support. It also gives them strength.

There is a late announcement. We will include in our announcements the Mayor of uMzumba, Councillor Lushaba. We understand he met with an accident some time last week. When such events occur, it obviously hampers the manner in which our people function out there.

### **3. ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:** I have received only one apology, and that was an apology from the hon Mr B H Cele, MEC for Transport, Community Safety & Liaison. He is out of the country from 8 to 16 November 2007, and will therefore not be joining us today. For the convenience of members who may not have been made aware of this, the hon MEC for Health, Mrs N P Nkonyeni, will stand in for Mr Cele. That is for your convenience, if anything arises and you need the MEC.

I now wish to make the following announcements. Wishing hon members in this House a happy birthday has become a tradition. I therefore take the liberty of wishing the hon Dr L P H M Mtshali a happy belated birthday for 7 November 2007. Likewise, I would like to congratulate the hon Ms L Rajkumar who is celebrating her birthday today, 15 November. All of you whom I have mentioned, we wish you well. May today and henceforth be all that you want it to be.

### **4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER**

**THE SPEAKER:** If there are any announcements by the Premier, he may now make

them. There is one more announcement that I need to make. It has just slipped my mind. However, hon Premier, because I have already said you can make your announcement, I will now give you that opportunity.

**MR J S NDEBELE (Premier of KwaZulu-Natal):** Thank you very much, Mr Speaker. Hon members, I want to announce what members must already know. Some 204 countries are going to be descending on our province from 23 to 25 November for the first official event of the World Cup, namely the preliminary draw. It is a very important occasion which all of us must take seriously, as we have the fortune of hosting the whole world, as it were. Only four countries are not going to be there. Amongst them are Laos, Bahrain and the Philippines. I can remember three of the four, but the rest of the world is coming here. It is the first draw, and there will be a big attendance. We have been able to persuade Orlando Pirates and Kaizer Chiefs to host their home game, which was supposed to be in Johannesburg, in Durban on the 24<sup>th</sup>. [Interjection]

[isiZulu](#)

It is a very important occasion for us to market our province. Last week we, the provincial government, together with the IOC Chairperson, Dr Ivan Khoza, as well as our municipalities, met to share information and to discuss what is expected of us. How do we sell the province? How do we sell our districts? How do we sell our municipalities? We really want all members to take this very seriously. I want us to put our best foot forward. Thank you.

**THE SPEAKER:** Thank you very much, hon Premier. I am sure members have heard that. There is just one announcement that I forgot to mention, and I will do so now because I do not want you to be surprised. We officially received a letter from the marchers who indicated that they would be marching to this Legislature. We also checked on the legality of the march, and we have satisfied ourselves that all the necessary permissions had been given. On the basis of that, we will then avail one of us – between the Speaker and the Deputy Speaker – and other leaders of the Legislature to receive a memorandum. I am told it is going to happen at about 12:30. I just thought that we need to know about that. [Interjections]

## 5. TABLING OF REPORTS OR PAPERS

**MRS C M CRONJÉ (MEC for Education):** Mr Speaker, it is my pleasure to officially table the Annual Report of the Department of Education for 2006/07. Thank you.

**THE SPEAKER:** Thank you. Are there any further reports or papers to be tabled? Right, there are no reports. According to this here, there was going to be a report tabled by the Chairperson of the NCOP. Is that the case, hon Ms Shabalala, [uMshengu?](#)

**MS L F SHABALALA (Chairperson of Standing Committee on NCOP Matters):** Mr Speaker, I will table the following reports: The Report by the Portfolio Committee on National Council of Provinces Matters on the conferral of a final voting mandate on the Constitution Thirteenth Amendment Bill, B24 - 2001, and the Report by the Portfolio Committee on National Council of Provinces Matters on the conferral of a final voting mandate on the Public Service Amendment Bill, B31B - 2006, in accordance with Standing Rule 233 (2). I thank you.

**THE SPEAKER:** Thank you, hon Ms Shabalala.

**MR J S NDEBELE (Premier of KwaZulu-Natal):** Mr Speaker ...

**THE SPEAKER:** Yes, hon Premier?

**MR J S NDEBELE (Premier of KwaZulu-Natal):** Yes, I wish to table the following reports: The 2006/07 Annual Report of the Royal Household, as well as that of Amafa, KwaZulu-Natal. Thank you.

**THE SPEAKER:** Thank you, hon Premier.

## **6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP**

**THE SPEAKER:** Are there any formal motions or notices, hon Deputy Chief Whip?

**MRS M V NOEL (Deputy Chief Whip, ANC):** There are no formal motions or notices from the Office of the Chief Whip. Thank you.

## **7. NOTICES OF BILLS OR MOTIONS**

**THE SPEAKER:** We will proceed to the notices of Bills or motions by members. Hon members, I hope you will agree with me that this item will be concluded at 12:15. I think I

have captured all your names. We shall now proceed. Will hon members please resume their seats? We will now proceed in the following manner: We will start with the hon member Mr Gcabashe.

**MR S J GCABASHE (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Le Ndlu:

Ibongela izwe lakithi ngokuqokwa kwalo ukuba kwenzelwe kulo i-Draw ye 2010 World Cup; futhi

Ibongela isiFundazwe saKwaZulu-Natali, idolobha lase Thekwini ikakhulukazi uNdunankulu uMhlonishwa u-S J Ndebele.

Imisebenzi yabo emihle yenza futhi ibeke izwe nesiFundazwe sethu sibekeke esimweni esihle emhlabeni jikelele.

**DR L P H M MTSHALI (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**The House notes:**

1. The unjustifiable delay in the tabling of the forensic report on overspending and mismanagement in the Department of Agriculture under its former Head of Department, Dr Jabulani Mjwara.

**This House therefore resolves:**

To urge the ruling party to state publicly when the forensic report will be tabled and to come clean on the reasons for its delay; and

To urge the Premier, as head of the provincial Executive Council, to take full political responsibility for the contents of the forensic report and for the delay in its tabling before this House.

**MR R M BURROWS (DA):** Mr Speaker, I hereby give notice that I shall move on the

next sitting day of the House as follows:

**This House notes:**

1. That it is the duty of the KZN Legislature to carry out financial oversight of the KZN Executive Council.

**This House therefore resolves:**

To call on both the Premier and the MEC for Finance to ensure that this House can carry out its financial oversight function by immediately making available copies of the following:

Forensic Report on the Department of Agriculture; Investigation and Report into the Board of Ezemvelo Wildlife; Strauss Daly Report on Dr Nyembezi; Final Alexander Report on the Taxi Industry; Final Booyesen Report on Department of Housing purchases; Forensic investigations into Utrecht and other local authorities; the Close-out Report on Rehabilitation Trust Fund, and the Forensic Report on KZN Growth Fund.

[Interjections.] Hide it away!

**INKOSI M Z MTHULI (NADECO):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Le Ndlu:

Isihlaba iyasihlikiza isenzo samaphoyisa angokhiphasibhamu adubule abulala umlisa mumbe emzini thizeni endaweni yaseMsinga.

The fight that they fought was not a good fight in the community of Umsinga.

Ngakho-ke uMnyango kuyofanele uyibukeze kabusha indaba yokhiphasibhamu lapho beyokwenza umsebenzi wabo ezindaweni ezahlukahlukene.

**MR B J MSOMI (UDM):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15**

**NOV 2007**

Le Ndlu:

Iyakunaka ukuthi kusenothishanhloko abangawulandeli umthetho wokuphathwa kwezikole njengokulandisa kwe Schools Act, lokhu kubonakala ngokuthi basaxosha abantwana ezikoleni zabo ngenxa yokuhluleka ukukhokha imali yesikole njengoba kwenzekile endaweni yaseNanda eduze naseThekwini.

Ngakho-ke iNdlu inquma kanje:

Ukucela uMnyango wezeMfundo ukuba uthathele lothisha oMkhulu izinyathelo ezingqala zokuqondisa izigwegwe ukuze nabanye bathole isifundo bangabe besakwenza lokhu kubantu bakithi abantulayo.

**MR S N MTETWA (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Le Ndlu:

Iyaqaphela ukuthi namhlanje zingu 15 November 2007 usuku lwesibili lapho okuthe ngokombono wakho Macingwane Somlomo, kuhlanguane uHulumeni ngokumeleleka kuZwelonke, wesiFundazwe, kanye nowaseKhaya ndawonye kuleNdlu ukuzoshiyelana amasu, namaqhinga okwenza umsebenzi wethu esawukhethelwayo wokwenza izimpilo zibe ngcono usheshe.

Ngalokho leNdlu inquma ukukhuthaza uSomlomo nobuHoli bonke kulesiShayamthetho saKwaZulu-Natali ukuthi basheshise izinguquko zombono wakho zinhle, zinika ithemba kwisiFundazwe iKwaZulu-Natali.

**MR M B GWALA (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Le Ndlu:

Iyamangala ngehaba kanye nokuhlanekezelwa kwamaqiniso nguMnyango

wezoHulumeni baseKhaya nezoMdabu ngodaba lokuphathwa koMkhandlu waseMadlangeni nokugxambukela kukaNgqongqoshe esebenzisa izinhlelo zokusakaza ngobudlabha ukusitha imiqondo yabantu.

Lokhu kuxaka isizwe njengoba idlanzana elibhidlikelwe imizi linikwe R 16 000 000 eMadlangeni kuthi izindimbane zabantu base Dumbe, ebaQulusini nase Dannhauser lusale luncela izithupha.

Le Ndlu iphakamisa ukuba udaba lwaseMadlangeni luxoxwe kuleNdlu ngenhloso yokwehlukhanisa inhloko nesixhanti.

**MR R E KEYS (DA):** My motion is very much in the same vein as that of the previous speaker, Mr Speaker. I hereby give notice that I shall move on the next sitting day of the House as follows:

**This House notes:**

1. The taxpayer-funded ANC rally held at Utrecht over the weekend, where the Local Government MEC handed over disaster relief money;
2. That the MEC berated the municipality for not spending money allocated to it earlier this year; and
3. That the MEC failed to reveal that he had refused the funds to be used for that municipality to assist their people.

**This House therefore resolves:**

To demand that the MEC stop misleading the public with regard to municipalities being allowed to access and use disaster funds; and

Explain the 12-month delay from his department to come up with the disaster relief funds.

**MS G N SWARTBOOI (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**This House notes:**

1. The steady progress being made by the democratic government in improving the quality of life of our people, and
2. That President Thabo Mbeki was right when he wrote in the last edition of the *ANC Today* that the problem with South Africa is that it is new.

**This House therefore resolves:**

To commend the ANC for providing sterling leadership in transforming our country into a free, non-racial and non-sexist democracy, and

To commit ourselves to working tirelessly for the achievement of the total emancipation of all from want and underdevelopment.

**INKOSI B N MDLETSHE (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Le Ndlu:

Iyangabaza ukuthi ziyoke zifezeke izinhloso ezinhle ezimenezelwe nguNgqongqoshe wezaseKhaya zokwenza ngcono ukwethulwa kwezidingo kuloMnyango, uma kusagcinwe iPhini likaNgqongqoshe elinguMnumzane Malusi Gigaba, osebenzisa intela yabampofu ukuthengela isithandwa sakhe izimbali kanye nokutetemukisa ngezindiza abangane bakhe.

Le Ndlu-ke inquma:

Ukunjusa uMengameli ukuba ageze uHulumeni kulelhlazo ngokwenza kuGigaba lokho akwenza kuNkosikazi Nozizwe Madlala-Routledge oweyeliPhini likaNgqongqoshe wezeMpilo.

Ukuba, nxa uMengameli engenaso lesosibindi, yena uMhlonishwa uGigaba avele aphose ithawula anyamalale emehlweni omphakathi.

**MRS M H AMBLER-MOORE (DA):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**This House notes:**

1. The recent launch of the book *After the Party* published by Jonathan Ball; and
2. That this book tells the truth behind the arms deal saga and other matters.

**This House therefore resolves:**

To warmly congratulate Mr Andrew Feinstein for his courage in telling the truth to this nation and, indeed, the world about these scandalous affairs, and

To call on the ANC to stop making a mockery of this democracy for which they and we fought so hard.

**MS L F SHABALALA (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows: **TAKE IN FROM THE EDITED MINUTES DATED 15 NOV 2007**

Ukuthathwa ngesinxele komlando nosikompilo lwethu njengabantu base Afrika kusetshenziswa ilungelo lentando yeningi.

Lokhu kuwubudlabha bezenzo zabantu abangasahloniphi ukufa ngisho umzimba nesithunzi somuntu ongasekho, ngokuthumela isithombe sesidumbu nge (Internet) somculi ongasekho u-Lucky Dube nomdlali ongasekho u-Gift Leremi.

Le Ndlu inquma kanje:

Ukugqugquzela umphakathi nezingane ukuba baziqhelelanise nabantu abenza imikhuba yobudlwembe.

**MR M R MZOBE (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**This House notes:**

1. That "Taking the Legislature to the People" has been a blatant waste of taxpayers' money, not only in principle, but also in practice, since the Legislature has not been able to account adequately for many crucial administrative and financial aspects of this initiative, either before the Standing Committee on Public

Accounts or in its correspondence with the Official Opposition.

**This House therefore resolves:**

To urge the ruling party to suspend this initiative until the Legislature can credibly explain how it administers and finances “Taking the Legislature to the People,” and until it can soundly qualify and quantify the benefits which this initiative has for the people of KwaZulu-Natal.

**THE SPEAKER:** Mr Sithebe is the final member on this list.

**MR M E SITHEBE (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**This House notes:**

1. The positive development which is taking place in the province under the leadership of Premier Ndebele;
2. That, amongst other areas of positive development, the soccer derby of Amabhakabhaka and Amakhosi will be televised widely on the continent, as well as in Europe – the first of its kind - and
3. That the preliminary FIFA bid is influenced by the positive news of our province under the leadership of Manzankosi.

**This House therefore resolves:**

To urge everybody to become good ambassadors of the province, country and continent.

**THE SPEAKER:** Hon members, we have concluded this matter. Yes, Mr Mcoyi?

**MR S W MCOYI (IFP):** Mr Speaker, I would like to find out if it is parliamentary for hon MEC Mthimkhulu to say to the hon Mzobe, “[Hambuyofa sizoyidla ngenkani imali.](#)”  
[Interjections]

**THE SPEAKER:** Hon members, [udaba olufana nalolu luyahlupha ngoba kusho ukuthi kuzomele ngiqale phansi ngiyolibheka manje ukuthi ushilo noma akashongo na!khona](#)

[sizokwazi ukuthi sikubheke lokho](#). Yes, Mr Kubheka?

**MR M A KUBHEKA (ANC):** Mr Speaker, may I crave your indulgence? I would like to present the Report of the Portfolio Committee on Local Government and Traditional Affairs in relation to the Section 74 (8) approval of the Constitution Thirteenth Amendment Bill. I hereby table the report. Thank you.

**THE SPEAKER:** Thank you, hon Chairperson. Hon members, as we proceed to the next item on the Order Paper, Orders of the Day, Item 8, I want to start by acknowledging and recording the names of the Mayors and Speakers who have responded to our invitation for them to attend today's sitting. These are the names. Yes, [baba Bhengu](#)?

**MR G B BHENGU (IFP):** [Somlomo bengithi angizwe ukuthi ezodibheythwa ephresentwe uchairman wakwaNCOP noma ephresentwe uchairman wakwaLocal Government? Ireckord izothini irekhodi yakho?](#)

**THE SPEAKER:** [Ireckord izoba njengoba sizovota nje. Ngiyichaza indlela esizovota ngayo](#). I need the debate to be confined to one of the reports. There will be a Bill and its essence. Let me just finish this before I announce how I am going to deal with this issue. The following Mayors and Speakers have attended at our invitation: Speaker N Magadla of uMzimkhulu; Mayor T Maphumulo of uMkhambathini; Speaker S R Nyamane of uMzinyathi; Speaker N P Stanard of amaJuba; Speaker D C of eNdumeni; Councillor SG Khuzwayo representing Mayor-Councillor Obed Mlaba; Mayor J C Msibi of Utrech; Mayor B L Magwaza of Mandeni; Mayor L Z Mqayi of uMhlathuze; Speaker S V Dlamini of uPhongolo; Mayor M Sithole of Kokstad; Speaker R Y Nair of Ugu and Mayor M Dlamini of abaQulusi, in accordance with this first list.

The list continues: Speaker Winneth Mtolo of Ingwe; Mayor D C P Mazibuko of uMnambithi; Mayor D D Ntombela of Hlabisa; Speaker O Zama of uMdoni; Mayor S W Mdabe of iLembe; Speaker Z E Nyawo of Hlabisa; Mayor P M Ngubane of uMvoti; Mayor Z Hlatshwayo of uMsunduzi; Mayor MS Yengwa of uMzinyathi and Speaker R N Niemand of uMnambithi. The next list has Mayor E R S Skhakhane of Ingwe.

Hon members, I also speak on your behalf when I thank all the Speakers and Mayors who have attended today's sitting. It truly talks to the spirit of inter-governmental relations, as dictated to by Chapter 3 of our Constitution. However, I also hope that the

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Mayors and Speakers who are here will find it useful to engage with Eskom. I also hope they will find it useful to engage with the reports and briefings by the Ministers that are coming to this House. That is the announcement I needed to make.

I want to make the following ruling in respect of the process of dealing with the Constitution Thirteenth Amendment Bill. Prior to starting the debate, I feel that it may be of assistance to members if I clarify the procedure that will be followed today, in light of the unique circumstances that we are faced with. I did anticipate that, as with the debate of the negotiating mandate on the Constitution Thirteenth Amendment Bill at the last sitting, there may be some confusion regarding the process that is to be followed and the specific Rules under which the matter is being debated in the House. In this regard, I wish to advise as follows:

There are two questions which must be decided upon today. One is the approval of the Bill in terms of Section 74 (8), while the other is the voting mandate on the Bill. The confusion arises in view of the fact that each of these questions is dealt with differently in our Rules and in terms of the procedure that is to be followed in each case. With respect to the voting mandate on the Bill, the matter was to have been decided at the NCOP Committee, as envisaged in Rule 231 (1) (b). However, as the required 75% majority was not achieved at the NCOP Committee, the matter is now before the House for decision, as required by Rule 233 (2).

The debate on the voting mandate will accordingly be based upon a report from the NCOP Committee, which will be delivered by the Chairperson of the Standing Committee on NCOP Matters, the hon Shabalala. The debate will be conducted in the same manner in which the debate on the negotiating mandate was conducted at the last sitting, and proposed amendments will be permitted during the debate as before. At the end of the debate, the question on the voting mandate will be put to the House for decision.

With respect to the Section 74 (8) approval, Rule 225 (2) states that the Legislature must deal with the Bill as if it were an ordinary Provincial Bill. In accordance with this requirement, the procedure applicable to Provincial Bills, as set out in Rule 198, requires that the committee to which the Bill was referred table its report in the House. This Bill was referred to the Standing Committee on NCOP Matters and then to the Portfolio

Committee on Government and Traditional Affairs, the latter being the actual committee which did the ground work on the Bill by conducting public hearings and debating the submissions on the Bill. It will therefore be the Portfolio Committee on Local Government and Traditional Affairs that will also take the report for purposes of this Section 74 (8) approval. This report will be delivered by the Chairperson of the Portfolio Committee on Local Government and Traditional Affairs, the hon M A Kubheka.

At the end of the debate, the question on the Section 74 (8) approval will also be put before this House for decision. Therefore, although we are having one debate as we are dealing with a single Bill, in light of the above and the procedures set out in our Rule, there will be two reports tabled today to facilitate constructive debate on the matter, and there will be two questions that will be put before this House at the end of the debate.

On a related matter, I remind members that I did acknowledge that our Rule pertaining to Bills, such as the one we are faced with today, needs improvement and will be referred to the Rule Review Sub-Committee for consideration. I also made a ruling at our last sitting that, due to the fact that we are debating a national Bill and not a provincial Bill, we are not dealing with the Second Reading of the Bill today, as referred to in Rule 200. Therefore, I have ruled that Rule 225 must be read with the necessary changes. Accordingly, Rule 200 which requires that there be a minimum of one working day between the report on the Bill and the debate on the Bill will not apply today. This is just a reminder to members, although I have already ruled on this. I trust this clarifies the procedure that will be followed in debating the Bill today, and that we can look forward to a constructive debate. That, hon members, is the procedure.

I have now answered the question raised by hon Mr Bhengu who asked what we are debating today. He wanted to know which report we are debating. It is a debate on the Bill. The reports will be debated simultaneously, but the voting will be for two different sections of our Constitution.

## **8. ORDERS OF THE DAY**

### **8.1 DEBATE ON THE CONSTITUTIONAL THIRTEENTH AMENDMENT BILL [B24 – 2007, RE: FINAL MANDATE]**

**THE SPEAKER:** We will now proceed with this item for debate and a final mandate. I

will allow hon Ms L F Shabalala, Chairperson of the Standing Committee on NCOP Matters to table the report for five minutes.

**MS L F SHABALALA (Chairperson of Standing Committee on NCOP Matters):**

Thank you, Mr Speaker. The Standing Committee on the National Council of Provinces Matters met on Tuesday, 13 November 2007 to deal with the final mandate in respect of the Constitution Thirteenth Amendment Bill [B24 – 2007].

Having considered the report of the Portfolio Committee on Local Government and Traditional Affairs, the Bill was put to vote in the NCOP Committee. The ANC supported the Bill. The IFP, DA and NADECO opposed the Bill. We could therefore not reach the 75% majority that is required. The committee was unable to confer a final voting mandate, and therefore this Bill is now being put before this Legislature to deal with it in terms of Standing Rule 233 (2). I thank you.

**THE SPEAKER:** Thank you, hon Ms Shabalala. Hon members, before we proceed, I must give an indication that at some stage we will be announcing the names of Mayors and Speakers who are present and, if there are Whips, of those Whips, as well. Please do not think that I have exhausted the list. I am making mention of that, because there is already a list that has come to my attention which I will read as we go along. Thank you. Let us proceed with the debate. Hon M E Sithebe, you have nine minutes.

**MR M E SITHEBE (ANC):** Mr Speaker, thank you for giving me this opportunity to talk on this important matter which created such an outburst in this House when we first discussed it. I think I should indicate upfront that the ANC supports the Constitution Thirteenth Amendment Bill without any reservation. It becomes important that I should also state very clearly the reasons as to why the ANC supports this Constitution Thirteenth Amendment Bill.

The ANC, as the architects of this democracy in our country, have actually created three spheres of government: that is the national, provincial and local government, and we are saying we need to build this caring government and this developmental government. As we create this developmental and caring government, we need to say how we intend to devolve powers to the people out there so that they begin to play a pivotal role in realising the developmental agenda which is enshrined in the Constitution of this

country. We, the ANC, are saying we have created a wall-to-wall system of local government in the country.

**THE SPEAKER:** Hon member, there seems to be a point of order from the hon Mr Keys.

**MR R E KEYS (DA):** Thank you, Mr Speaker. I hate to disturb my neighbour, but I rise on Rule 245, the Rule which refers to a member misleading the House. That hon member surely does not believe what he is saying and, therefore, by deluding himself, he is misleading this House.

**THE SPEAKER:** *Yabona, Mr Keys, yabona manje. Manje,* I will order anybody who flouts the Rules or misuses them out of the House. You know that what you are doing is wrong. [Interjections] You know that what you are doing is wrong. You are flouting the Rules in order to debate your own opinions. It is wrong. You are a Whip and, as such, a custodian of these Rules, and yet you are first in line when it comes to flouting the Rule. I really feel very, very, very unhappy. I hereby give notice that anybody who does again what you are doing now, namely flouting the Rules for the sake of your own debate, will be ordered out of the Chamber for the remainder of the sitting of this House. There is no such thing as your issue of misleading the House. Continue, hon member.

**MR M E SITHEBE (ANC):** Thank you, hon Speaker. As I was saying, when we created this system of government in the country, we deliberately decided to come up with three spheres of government - and we have said it is national and we have said it is provincial and we have said it is local. We said we need to strengthen capacity in the local government so that we are able to accelerate service delivery to our people. For us to accelerate service delivery to our people, we can only realise that objective if we have a very strong local government at grass-root level.

Let us look at the historical background of the very same Matatiele we are talking about. There are people who trade in Matatiele, and the rural areas that are using Matatiele are actually ostracised from accessing the revenue base that is generated in Matatiele. It is for that reason that we are saying: You cannot have a municipality that will not be in a position to generate its own revenue, or that will not be in a position of realising its revenue base. We are saying: If Maluti and those types of areas are together, that will make them realise that they have a revenue base. They must be able to redirect the

resources to areas that do not have resources and areas that were not even catered for before.

The historical background that we have in our country is that we have quite a number of areas that were ostracised. We have areas that were marginalised when it comes to development. Today we talk of Inkandla. We talk of Umsinga. We talk of Nongoma. We talk of all these Maluti areas. They were not developed, precisely because of the system. We are trying to correct the very same imbalances that were created by that system.

We, the ANC, are saying there are no shortcuts when dealing with this particular matter. There are also no easy victories. I have come to realise that we actually have quite a number of “charterists” in this House, people who are talking about the Freedom Charter. They are neither members of the ANC, nor have their political parties adopted the Freedom Charter. Let the Freedom Charter and the principles that are cherished in the Freedom Charter be advanced by all those people who had the courtesy and the guts to adopt the Freedom Charter. You first start by adopting the Freedom Charter before you actually say, “No, this is what the Freedom Charter says.”

I need also to state categorically that quite a number of people of Matatiele have said that they would love to be in KZN. We, the ANC, are saying our role as government is to provide at least some sort of well-balanced hegemony that they require. If people today say, “We want to invade this particular piece of land”, we will not say, “OK, because you are the majority, let it be so. You can go and invade that particular piece of land.” You start from the basis of saying, “If they do that, where will that municipality get its revenue?”

We in the ANC support this particular issue. We are saying there are mechanisms that we have in place that will seek to provide the services that were referred to by those people, services that relate to other spheres of government - national Government, as well as the provincial governments of the Eastern Cape and ours – and this will be done in the spirit of co-operative governance.

As enshrined in Chapter 3 of our Constitution, one of our mandates is to engage other spheres of government in terms of providing that service, but the issue is this: The ANC is not a federalist party. We are not going to allow ourselves to fall into the trap of saying we see ourselves as the people of KwaZulu. No, we see ourselves as the people of

South Africa. That is where we base ourselves when we engage in these stormy issues that we are faced with. Immediately when we say, "No, we are in KwaZulu," we are talking about territories. Then we will be failing our national democratic revolution. In the sense that we see ourselves as people who subscribe to the unitary state that we have created, we want to nurture and advance that type of unitary state where we are able to provide the services that are required in all corners of our country.

So for us to say, "No", we are saying we want to live in KwaZulu. In fact, that would be failing the people of South Africa. We are not going to be guided by the very same boundaries that were created by apartheid. Those are boundaries that we inherited. We want to try and *sibuke ukuthi*. We also want to engage *abantu* so that they will see a broader picture, *eti abantu*. They must see themselves as South Africans before they see themselves as people who belong to particular provinces. The emphasis is for us to say we want to have a very strong local government in each and every inch of our land, in our country.

I will conclude by saying the ANC supports the Constitution Thirteenth Amendment Bill, even if other parties do not support it. The fortunate part is that at least you have this ANC government. You are not going to be detained. You are not going to languish in jail because you differ with us on this issue. Thank you.

**THE SPEAKER:** Thank you, hon member Sithebe. The hon member Inkosi Mdletshe has six minutes.

**INKOSI BJ MDLETSHÉ:** Angibonge Somlomo ngidabuke nje ngalokhu okushiwo yilunga elihloniphekileyo, uSithebe. Ngidabuka kakhulu Sithebe ngoba uma senikhuluma kanjena nizikhukhumeza ngokuthi yinina abanikazi beFreedom Charter. Abantu ababekhuluma ngeFreedom Charter bakhuluma bekhwotha umqondo wenu eniwubhale phansi. Iyafundwa phela iFreedom Charter akusho ukuthi ingeyakho. Sizoyifunda, siyazi ukuthi ithini bese sinichazela nxa seniphambuka kuyona Sithebe. Yingakho-ke ubona sikhuluma ngayo nje, akusho ukuthi umgomo wethu, kodwa siyayifunda ukuze sise nina eseniphambuka.

Okwesibili, ukhuluma ngendaba yokuthi abantu baseMatatiele *they are invading* indawo. Akusikho uku-*invader* lokhuyana. Abantu baseMatatiele bakhuluma ngelungelo labo lokuba kwaZulu-Natali, lunga elihloniphekileyo uSithebe. Musani ukududula abantu

bese niganga ngabantu kanjalo.

Okwesithathu, okokuthi ukhuluma ngokuthini – ukhuluma ngemilitary state kodwa ngxakwa wukuthi ukhuluma la, ukhula kuleli Phalamende lakwaZulu-Natali wean awukho kwenye indawo. Uyabona-ke, Somlomo zikhonkotha zonke manje. Zikhonkotha zonke. Uyabona Somlomo, sesikhathele thina wukwenziswa inakhuzana. U-ANC angacabangi ukuthi njengoba ethole leli voti labantu uyohlala inguna-phakade. Abantu kufanele babanikeze ilungelo lokubusa babaphathe, babalalele. Kodwa uma beliphatha budedengu njengoba kwenzeka nje Somlomo, siyadabuka. Uyabona-ke okubuhlungu kunakhokonke engikuzwayo yilokhu okuthi [Interjections] – angizukuba nandaba nabo bonke laba Bantu abamemezayo Somlomo –

**TRANSLATION:**

*Thank you, Mr Speaker. I feel sorry about what the hon Member Sithebe is saying. I feel sorry when you talk like this, inflating yourselves, claiming ownership of the Freedom Charter. The fact that you own the Freedom Charter, does not mean that we do not read it, we will always read it, we know what it says and we will be able to put you back on track when you misinterpret it. That is why we are talking about it. It is not our policy, but we read it so that we can help you when you fail to interpret it correctly.*

*Secondly, you are saying that the people of Matatiele are invading the area. That is not invading. The people of Matatiele are talking about their right to belong to KwaZulu-Natal, hon Member Sithebe. Stop abusing the people.*

*Thirdly, you are talking about a military state, but what puzzles me is that you are talking here in this Parliament of KwaZulu-Natal – you are not in another area. Now you see, Mr Speaker, they are all barking now. They are all barking. You see, Mr Speaker, the ANC must stop thinking that they will always remain a majority party. They must listen to the people, but if they continue to do this, I feel sorry for them. You see, the most painful thing that I am hearing... [Interjections] I do not care about all these people that are shouting, Mr Speaker....*

**THE SPEAKER:** Order! Order! Order hon Members!

**INKOSI BJ MDLETSHE:** Siyahamba nesikhathi sami bakithi.

**TRANSLATION:**

*I am running out of time.*

**THE SPEAKER:** Kahleni-ke! Kahleni! Ilunga elihloniphekile linelungelo lokukhuluma lizwakale njengananalokhu okuthi, "Wonke umuntu uzokhuluma azwakale." Asimvumele-ke *otherwise* le Ndlu izosuke yehle igcine seyingaseyona indlu elawulekayo. Mvumeleni-ke aqhubeke akhulume *hon Members*.

**TRANSLATION:**

*Hold on, hon members. The hon member has a right to be heard, just like everyone else. Let us allow him a chance, otherwise this House will be uncontrollable.*

**INKOSI BJ MDLETSHE:** Uyaboka-ke Somlomo, siyayiqonda thina bantu basemakhaya ukuthi uma isisukile nje, sezisuke zonke sezibanga umsindo nje. Kubi-ke lokho. Engifuna ukukusho la Somlomo yilokhu; uyabona uma nicabanga ukuthi abantu baseMatatiele bayocindezelwa wukuthi abeMedia bangasho lutho, benze abantu batswininize, nishaye phansi kwashunqa uthuli! Abantu bayazi ukuthi nibaphuca ilungelo labo. Bayoze bafe futhi bazi ukuthi nabaphuca ilungelo labo. Uyazi uSABC ukhona, UKHOZI lukhona, noma ubani okhona, kodwa abantu baseMatatiele bayalazi ilungelo labo.

Okwesibili, ngifuna utshele lezi zinhlango ezimiswe uHulumeni wamaHuman Rights, sasinabo laphana eMatatiele. Abakakhulumi lutho namanje bathule bathe Mhh ngoba kuhlushwa abantu baseMatatiele bahlushwa wuKhongolose. Nxa umuntu-ke ehlushwa wuKhongolose-ke, akukhulunywa kuleli zwe lakithi, kufanele uthule. Ngeke sithule-ke thina boMdletshe naleli qembu esikulona, siyobamela abantu baseMatatiele. Kukhona o [interjections]. *You see*, izinhlaka zikaHulumeni kufanele ziqale zivikele abantu baseMatatiele. Bantu baseMatatiele, akukho muntu oyonisiza kuleli zwe XX12:58:47 nizisize nina kulolu daba. Yini kuphela eniyozisiza kulona, nizikhiphe kulona.

Ngicabanga ukuthi manje abantu baseSouth Africa bayaqonda ukuthi uHulumeni onikeza amandla leli qembu elibusayo ukunikeza umuntu ozobaphuca amalungelo abo. Ukuzigwaza ngowakho. Fundani manje. Fundani manje. Wothi abayivotele INKATHA njengoba usho nje mhlonishwa kodwa iqiniso wukuthi abantu bayabona futhi bayezwa. Bayazi ukuthi kwenzakalani eMatatiele futhi bayazi ukuthi wobani abakhulumayo

njengoba sikhuluma nje bayasibuka nje sikhuluma thina boXX12:57:31 Sikhuluma sibavikela.

Uyabona-ke ekugcineni sengiphetha, bengikhuleka mina Somlomo ukuthi yini singesebenzise ithuba lokubala ngoba ngiyazi ukuthi bakhuluma kanje bachathiwe abanye. Kodwa-ke abachathwe ngakho kungase kwenzeke kubasize. Umuntu azivotele ukuthi uthini ngodaba lwaseMatatiele, ngamunye ngamunye ngoba lokho kuyosiza ukuba nawe Somlomo nozakwenu uyimelele njengoba ulapho. Nalaba abakhona la, abesabayo, abesabayo ukuthi uma bephikisana noKhongolose bazozibona ukuthi bafana nobani. Umuntu uzovota ngokukhululeka. Uma ningase nivote kanjalo, sonke singasho Mchunu wangakithi ngapha ukuthi – singasho Mchunu wangakithi ukuthi noma ukhuluma uneka izandla singakuzwa nje – ukuthi, iyona ndlela eyokwenza ukuthi kukhululeke laba Bantu bangaphesheya, yenze ukuba bakwazi ukukhuluma abazufisayo ngaphakathi. Anginanking-ke kakhulu nomuntu wasesinkomplazi. Anginankinga kakhulu ngoba akabamele abantu baseMatatiele, ukhulumela abantu bases'nsinkomplazi, akanandaba kakhulu nalaba.

Somlomo, musani weKhongolose ngisanikhuza namanje. Mhlonishwa uManzankosi njengosihlalo, musani ukusishisela izwe lakithi. Musani, le nto esiyibona le koKhusong, ingenzeka nala. Siyanincenga thina esithanda izwe nabantu balo ukuba nikhumbule ukuthi nimelele labaya Bantu.

Angibonge Mchunu. [BELL RINGS] Awuzwe nje wena ukhuluma ngama ZP thina sikhuluma ngokunye la. Ngiyabonga Somlomo.

#### **TRANSLATION:**

*You see, Mr Speaker, as people from rural areas, we understand that once the bigger dogs begin barking, the little dogs follow. That is not good. What I want to say is this. If you think the views of the people of Matatiele will be suppressed just because the media is silent on the issue, you have got it all wrong. People are aware that you are depriving them of their right and they will always be aware of this. You know the SABC exists, uKhozi exists, but they still avoid the matter of Matatiele.*

*Secondly, I want you to inform the organisations under the government, like the Human Rights Organisation, they were present at Matatiele. They have not said a word*

*because the people of Matatiele are being oppressed by the ANC. If a person is being oppressed by the ANC, no-one in this country says anything, but we are not going to be silent, we will speak on behalf of the people of Matatiele. The government structures must start protecting the people of Matatiele. People of Matatiele, no-one will help you in this country, you must help yourself in this matter.*

*I think the South African people should now understand that if they give power to the ruling party, they are actually giving it to a party that will deprive them of their right. They are actually shooting themselves in the foot. You must learn a lesson now. Tell them to vote for the IFP, hon member, but the truth is people can see what is happening. They know what is happening in Matatiele and they know who is trying to protect their rights.*

*In conclusion, Mr Speaker, I know that some of the ANC colleagues are just instructed to vote in favour of this Bill. My proposal is that we vote by secret ballot so that people can say what they feel, even those who are afraid to oppose the ANC will be able to vote freely.*

*Speaker, I am still chastising you, ANC, stop playing games with the people. Hon Manzankosi in your capacity as the Chairperson, stop doing this thing, we do not want to see the scenes of Khutsong in our province. Let me thank you, Mchunu. [Time expired]*

**THE SPEAKER:** Hon Mr Mari, you have four minutes.

**MR G MARI (DA):** Thank you. Mr Speaker, maybe we should all appeal to the hon Premier to go outside and address all his ANC supporters and those who have SACP T-shirts out there. Tell the people out there why you are going against their will. Some 5 685 people have submitted submissions that they do not want to be part of the Eastern Cape. Hon Sithebe, only 80 said they want to be part of the Eastern Cape. Those 80 voices came from councillors and officials who came there and handed their petitions in. [Interjections] So, what must we say now, after having listened to all those people, those womenfolk who came there and cried and said, "We want to be part of KZN because of better services"? [Interjections]

**MRS M H AMBLER-MOORE (DA):** Shush!

**MR G MARI (DA):** At the last sitting the UDM, NADECO, ACDP, the DA and the Official Opposition in this House, the IFP, almost went on their knees before this House, the

ANC and its alliance partner, the Minority Front. We pleaded and said, "Let us not let the people of Matatiele down. They want to stay with KZN", but in spite of that, when it came to the vote, the Minority Front supported them on that one. The Minority Front, for instance, never came to a single public hearing. They were not there to listen to the cries and the pleas of the people. They were not there to see how many people walked to attend the hearings. I am talking about the elderly, the sick and the infirm. They said, "We cannot travel six hours to Bisho for services, but we can travel two hours to Pietermaritzburg." They were not there, but the party still took a decision because the ANC pulls the strings. That is the reason. [Interjections]

We say to the ANC today: You have your supporters out there. Go out there and tell the people why you are voting against them. Clearly you are doing nothing but betraying your own people out there. [Interjections] You were not even there! If only you had listened to the people. Those members of the ANC who were there, were you deaf? Were you blind? Why did you go and have public hearings? For nothing! You wasted the Portfolio Committee's time! You wasted the people's time! Giving a plate of food after the meeting is not going to solve the problem when you come here and go against the wishes of the people! [Hear hear]

It is a crying shame that the ANC goes against the will of the people. Where is the life that you promised your own people? You are relegating them to a life of misery, a life of poverty and a life in hell in the Eastern Cape. You are putting them in a province that is wracked with corruption, a province that is wracked with mismanagement, theft and fraud. You need to go and face those people out there, and you know that! [Interjections] You know that! All of you who are seated here know that. All you have to do today is to take this opportunity and apologise to the people! [Interjections]

**THE SPEAKER:** Hon member Mr Mari, there is a point of order. Yes, Mr Sithebe?

**MR M E SITHEBE (ANC):** Mr Speaker, I want to find out as to whether the hon member can take a question? [Interjections]

**THE SPEAKER:** Hon Mr Mari?

**MR M E SITHEBE (ANC):** Is the hon member prepared to take a question?

**THE SPEAKER:** Hon Mr Mari, will you take a question?

**MR G MARI (DA):** Mr Speaker, the hon Sithebe and I can go outside after this. We will address those people and I will take his question in public. [Interjections]

**THE SPEAKER:** If you will not take the question, please proceed, hon member.

**MR G MARI (DA):** The ANC and the Minority Front can go out there today and apologise to those people and say, "We are sorry. We welcome you into KZN." You have that opportunity to do that today. [Interjections] Have the courage of your convictions and go out there! [Interjections] It is no good saying you are not going to do it. All of us on this side of the House are pleading with every one of you seated on that side: Do not go against the will of the people. That will not get you votes in the next election. [Interjections] What are you going to go and do there? There are no services in the Eastern Cape.

**MRS M H AMBLER-MOORE (DA):** It is corrupt!

**MR G MARI (DA):** Fraud, corruption, mismanagement and nepotism is the name of the game there.

In conclusion, I want to say to the hon Sithebe: I have challenged you. Let us go outside and address those people. Then you can tell them about your traps. [Interjections] You tell them about your traps and your governance. You tell them about the better life you promised to the people. [Interjections]

**MRS M H AMBLER-MOORE (DA):** Go and talk to them! Those are your members!

**MR G MARI (DA):** Tell them you are sorry. Go out there and tell those people you are sorry. Go and welcome them to KZN. [Interjections] Do that!

**INKOSI J S MTULI:** Somlomo baba, nginxusa le ndlu yakho ukuthi ibanike ilungelo labo abantu baseMatatiele. Nampa abantu bekhala Somlomo, usashonaphi unembeza na? Umbuzo lowo. Abantu baseMatatiele bangabantu bale Province abayakhele nabazizwa besekhaya uma behlezi kuyona. Ngakho, ukukhalwa kwabekwa bakwethu emhlabeni, akufanele ukukhala kujike kube yinto okungathi iyinjabulo kanti wusizi ebantwini. Abantu bakhathazekile njengoba sahamba sayobabona ngamehlo bekhathazekile, singezwanga ngendaba. Naba abantu baseMatatiele besosizini, abakhushwe osizini ababhekene nalo ngqo olubakhathazile.

Somlomo baba, abantu baseMatatiele thina basibuka njengethemba labo abathembele kulona ngakho-ke le ndlu kufanele kubekhona ekwenzayo ukubasiza ukubakhipha osizini.

Somlomo ngiphetha ngokuthi isenzo sokuya ngenkani kwabantu baseMatatiele e-Eastern Cape, bengathandi kufana ncamashi nokuganiswa kwentombi isoka ngenkani engalithandi. Ngiyabonga somlomo.

**TRANSLATION:**

*Mr Speaker, I request your House to give the people of Matatiele their right. The people are crying – where have our consciences gone? That is the question. The people of Matatiele belong to this province and they feel comfortable in it. Their complaints must be listened to. People are very concerned and we did witness that during the hearing.*

*Mr Speaker, the people of Matatiele look up to us as their hope, therefore this House must do something to help these people.*

*Mr Speaker, I conclude by saying that forcing Matatiele to become part of the Eastern Cape, is tantamount to forcing a lady to marry someone who she does not love. Thank you, Mr Speaker.*

**THE SPEAKER:** Hon member Mr Rajbansi, you have three minutes. [Interjections]

**AN HON MEMBER:** Mari, now you must run away! [Interjections]

**MR A RAJBANSI (MEC for Sports and Recreation):** Mr Speaker, what we are hearing from hon Mr George Mari is that life in KwaZulu-Natal is wonderful. It is like heaven. What have you done in your coalition of the strange? Yours is not a coalition of change; today you have a coalition of the strange. I will give you a double whacking in Phoenix in 2009. [Interjections] I challenge you. Do you know what you are doing? You are upholding colonial history. You are indirectly heaping praises on the ANC by telling the people, "Life there is hell. Life here is heaven under our Premier." Let me tell you this, if there was going to be a vote in Kashmir today, 30 million people would say, "We want to go to Pakistan". [Interjections] No, no! I am saying you are upholding white, outdated colonial history. [Interjections]

You are upholding the Tomlinson Report on Bantustans. That is what you are doing. You cannot hide, because you are pulling the strings of Bantustans and division. I have the guts to stand up and say I am part of a collegiate. Remember this ...

**AN HON MEMBER:** You are a sell-out!

**MR A RAJBANSI (MEC):** I am not a sell-out! You are the biggest sell-out, because you are sitting in a party with 80% whites! You are sitting there, and you are the sell-out! You are the biggest ... [Inaudible]. We defeated you in Ward 52, and you will never forget our victory! I will challenge you. [Interjections] We will get a hat-trick. [Interjections] I promise you, we will get a hat-trick. Thank you. [Interjections]

**THE SPEAKER:** Hon members, you are not being fair to yourselves. [Interjections] Hon members, we will proceed. We will give an opportunity to Mrs Downs who has two minutes.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. The ACDP's position has not changed, despite the hon Mr Mbuso Kubheka calling our position "ignorant" in the last debate.

I want to reiterate that the ACDP contends that if you want to have wall-to-wall local government and you set up local governments that are not viable, you must fund them from the national fiscus. Do not gerrymander local government districts in order to fund local governments. That too is unsustainable, especially when it is not supported by the majority of the people.

We have had hearings where 5 000 to 80 people did not want to have Matatiele turned over to the Eastern Cape. [Interjections] We have one country, but the fact of the matter is that the hon Mr Mari is correct! We have a service in the Eastern Cape which, at this stage, is inferior to the services that we are getting in KwaZulu-Natal. That has been obvious in the mid-term reviews in the Department of Education where the schools are less well-structured than those in KwaZulu-Natal. As far as the Health Department is concerned, the health services in the Eastern Cape are not as good as they are in KwaZulu-Natal. That is a fact, so fix the problem! The problem is the services. Fix them!

**THE SPEAKER:** There is a point of order, hon member.

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**MRS J M DOWNS (ACDP):** Thank you.

**THE SPEAKER:** Mr Combrinck?

**MR H L COMBRINCK:** Hon Speaker, you know, you often call me to order when I get hot under the collar and tell somebody to shut up. The hon MEC Mthimkhulu has now told a member three times to shut up. Please, could you ask him to withdraw that? Thank you, Speaker.

**THE SPEAKER:** Hon members, can we do this? Yes, I accept your point, Mr Combrinck. Any confrontational address of one member to another is uncalled for. I have ruled that that is not in order. Nonetheless, I have to assure myself that that is the case. Now, if that is the case I will ask hon members to desist from doing that. When I hear it, I will obviously address it at the time. Hon Mrs Downs, can we proceed?

**MRS J M DOWNS (ACDP):** The fact of the matter is that the lack of services in the Eastern Cape affects the poor, not the rich, so fix that problem. Do not gerrymander the borders. What on earth for? It is not going to solve the problem. Rather solve the problem and we will join with you in that. We are happy to see problems solved. We do not want to see the poor disadvantaged. Leave Matatiele in KwaZulu-Natal. Let them continue in the way that they want to do. It is the majority of people who live there who are also the poor. [Time expired.]

**THE SPEAKER:** Hon member, Mr Msomi? The member has two minutes.

**MR B J MSOMI (UDM):** Somlomo angishonami ukuthi i...eh bayangethusa la. Eh Somlomo, angikusho ukuthi la engangimi ngisamile namanje ukuthi kungiphatha kabi ukuzwa uma sikhuluma ngalolu daba lwaseMatatiele, sidlala ngalo ngalolu hlobo. Okukhombisayo ukuthi abanye bethu abanandaba nokuthi abantu baseMatatiele bathini. Kodwa ngiyaziqhenya Somlomo ukuthi ngakulolu hlangothi ngisho kungashiwo yiningi ngapha, ukuthi abantu baseMatatiele bakhulumile phela. Bakhulumile abantu baseMatatiele bathi bafuna ukuba KwaZulu, (**interjection**). Kuyangimangaza-ke ukuthi (**interjections**) Kwazulu-Natali, angisho kanjalo, kuyangethusa-ke namhlanje ukuthi kungabe kungene muphi umoya kozakwethu. Ukuthi namhlanje bathi uma abantu uma sebethu, bathi bona abashongo lutho bazokwenza lokhu. Ukuthi ngabe ngubani lo osheshilo kuleli elinye ivangeli ukuthi abangalalewa abantu. Njengoba nimemeza nje,

njengoba nimemeza nje, **(interjections)** Ngithi-ke Somlomo, umlando uyosahlulela kabi kusasa, ukuthi umnumzane uMthimkhulu, nangu uNgqongqoshe wami ubanga umsindo impela nje. Umngani wami lo, umngani wami kodwa Somlomo ngithi mina unembeza ushonephi kozakwethu? Imuphi lo mholi ongathi abantu sebekhulumile athi abanganakwa abantu? Somlomo-ke mina bengicela kozakwethu ukuthi noma ngabe kuthiwa yisiphi isizathu noma ngubani owathatha lesi sinqumo, abake bamphikise phela. Ngiyajabula ukuzwa ukuthi i-SACP iyamasha, imasha nabantu. Ithi ayihambisani nale nto, kodwa okungiphatha kabi ukuthi iyingxenye yalo hulumeni, i-SACP.

**TRANSLATION:**

*Mr Speaker, I want to say that... They are threatening me here. I still stand by what I said previously, that the issue of Matatiele hurts me. It shows that some of us do not care about the views of the people of Matatiele, but I am proud of the fact that on this side, even if they say the people of Matatiele have spoken, but they have said they want to remain part of KwaZulu-Natal, [Interjections] I am surprised that... [Interjections] I am shocked about what has happened to my colleagues today. Today they are opposing the views of the people. Who has instructed them not to listen to the views of the people? As you are shouting... [Interjections] I am saying, Mr Speaker, history will judge us negatively. MEC Mthimkhulu is making a noise. He is my friend, but I am asking where have our consciences gone? Who is this leader that issues an instruction to ignore the views of the people? I am requesting my colleagues to oppose whoever made this decision. I am happy to know that the SACP is marching with the people, with a view to oppose this thing, however what worries me is that they are part of this government since its tripartite alliance.*

**THE SPEAKER:** Shall we then proceed? Hon Ms Shabalala, you have three minutes.

**MS L F SHABALALA (Chairperson of Standing Committee on NCOP Matters):**

Thank you, Mr Speaker. I wish to thank hon members for this lively debate. It was robust indeed. However, I also want to thank the members of the Portfolio Committee on Local Government and Traditional Affairs. The committee did their job by making sure that we had public hearings. I also want to thank members of the Standing Committee on NCOP Matters for their participation. The hard work done by these committees is a clear indication that we have democracy at work.

The right to agree or disagree is a fundamental principle of any democracy. We will all be recorded as having participated in this debate. We did not sit on the fence, neither in the committee, nor in this House. We are either for something or we are against it.

I just want to quote from a book called Political Quotations by Anthony Jay. [Interjections] Ngizocela nje bangilalele, ama-members angamemezi ngoba uma kuphunywa la azobe engasazi ukuthi bengithini.

**TRANSLATION:**

*I request the members to listen to me, members must not shout, because when we go out of this House, they will not remember what I said.*

I quote:

When Hitler attacked the Jews, I was not a Jew, therefore I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic, and therefore I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then Hitler attacked me and the Protestant Church and there was nobody left to be concerned.

I am saying all of us have participated, whether we are for or against, but the issue here is that we have lived up to our responsibilities as members in that we have participated. I thank you.

**THE SPEAKER:** *ake ninginikeze ithuba (can you give me a chance)?*

Hon members, I hope everybody is going to be listening, because I am making some announcements now. I would like hon members to be aware of where we go to now. We were supposed to break for lunch, come back to pursue the debate and then vote. We cannot do that. We will proceed with the debate on the next Bill. The reason for proceeding with the debate on the next Bill is that we have received a phone call from the NCOP in Cape Town. They are waiting for both these mandates, because they need them by 14:00. That is why I will then proceed with the debate on the next Bill. I am also postponing voting on this Bill until we have concluded the debate on the other Bill, as well. It actually gives me relief in the sense that I have requested a delegation to go and receive a memorandum. That delegation has not returned as yet. I hope they are not ...

[Inaudible.] I assume the Speakers' List relating to the next Bill has been distributed. If that has not been done, let it be done. That is the debate on the Public Service Amendment Bill. Whilst the distribution of the Speakers' List is taking place, I will proceed with the following ...

**MR R M BURROWS (DA):** Mr Speaker, I rise on a point of order.

**THE SPEAKER:** Yes, Mr Burrows?

**MR R M BURROWS (DA):** Mr Speaker, I think the question which you are addressing at the moment relates to Rule 76. It deals with the decision of a question postponed. When the debate on a question is being concluded in the House, the Presiding Officer may postpone the decision of the question until the next sitting day or another time agreed to by the Chief Whip, after consultation with the Whips. Are you saying that the Chief Whip has consulted with the Whips, and that you have spoken with him?

**THE SPEAKER:** No. You see, Mr Burrows, at this stage I am dealing with it as follows: I had hoped it would be viewed as a debate that will take place today. I am not postponing the question until another sitting day. I am just holding it off until after this other debate. I do not think that we should be fighting about that. If I used the word "postpone," I would like to withdraw it.

**MR R M BURROWS (DA):** With respect, Mr Speaker, I do not want to argue about the use of the word "postpone". The Rule reads quite clearly. ... the Presiding Officer may postpone the decision of the question until the next sitting day – which you are not doing – or another time agreed to by the Chief Whip, after consultation with the Whips. You see, my problem is that there is no Rule that gives you the right to postpone the vote.

**THE SPEAKER:** Ja, but there is also no Rule that says I cannot defer the voting during the same debate, during same sitting.

**MR R M BURROWS (DA):** Mr Speaker, with respect, this is a situation which the Rules do not address. Listen to the thunder and lightning!

**THE SPEAKER:** I hope it is thunder, Mr Burrows.

**MR R M BURROWS (DA):** It is thunder and lightning, I promise you! Mr Speaker, let me

put it bluntly: It is a situation in which, if postponing the debate allows the majority party to get all its members here to vote, then it is a political decision.

**THE SPEAKER:** No, no, no, no, no, no, no, no, no.

**MR R M BURROWS (DA):** Mr Speaker, with respect, I am simply raising what the Rule says. If you are saying that the Rule is incorrect, you must override the Rule. However, that is what the Rule says.

**THE SPEAKER:** Mr Burrows, we can debate this for the whole day. I have said I am not postponing the debate. I am just deferring it until after we have debated the next Bill. In any case, the mandate for these two Bills is requested by 14:00. For me the matter is not a hard and fast issue. You were here when I announced who was going to receive the memorandum. However, that was not the only issue. Let me give you an example of what is going to happen, Mr Burrows. As soon I allow this process, there will then be a new process which you will demand. You will demand a division, and that process in itself will take some time. All I am doing is proceeding with the debate on the same Order Paper. There is absolutely nothing wrong with it. I have broken no Rule. Tell me if there is a Rule which you believe I have broken or contravened. If I have done so, please write to me and let us deal with that matter outside this Chamber. However, I am proceeding now with the next ...

**MR R M BURROWS (DA):** Mr Speaker, I will abide by your ruling, but I will write to you. You will bear in mind, sir, that the scrutiny of the Constitutional Court will once again be on this House and its affairs. Please, with respect, if you think that you have made the correct judgment, yes, we will move along. I am simply issuing a warning that Rule 76 is being broken. [Interjections]

**THE SPEAKER:** Hon members, please bear with me. I have informed you that I want us to proceed with the next debate and not go to lunch. You then said that you do not accept that. Since you do not accept that, I will instruct the Chief Whip to go out and negotiate. I will also be talking to the Chairperson of the NCOP. We certainly are not going to have both mandates by 14:00, as requested. In order for me to do that, I will therefore adjourn this House for lunch. When we come back, I will report to you what they say in Cape Town. We will now adjourn for lunch and come back at 14:00.

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*The House was adjourned for lunch at 13:31.*

*Business of the House resumed.*

**THE SPEAKER:** Hon members, I have spoken to the leadership of the NCOP. We, together with the Chief Whip, have made them understand the predicament that we are in. First and foremost, it is not the Constitutional Thirteenth Amendment Bill that is their priority. It is the Bill that we have not even debated which is an issue. The Bill that they want to rush is the Bill that will be discussed at the meeting at two o'clock. However, we have indicated our predicament to them, and they will proceed with their committee. As soon as we are ready we will forward the decision of this House to them. Whether they change their stand will depend on how you vote. The committee will therefore be influenced by how you vote. If your vote is such that it does not disturb their processes, it will be fine. However, we have to proceed with our own processes on this side.

I do not remember making an announcement about these other mayors. It was when I was making this announcement that hon member Mr Burrows raised the issue and derailed my process.

The following Mayors have been recorded: [\[isiZulu Hansard – please check spelling of the following names 02:21:38\]](#) I do not know whether these individuals are mayors. Oh, it looks like these are mayors: Mayor Z O Zulu of Inkandla, Mayor Miss Mbatha of Embomeni and Mayor Mrs V Z Makwazamsibi of Zululand. Madam Secretary, I do not know what our procedure is for recording these Mayors and Speakers. I have come across some Mayors and Speakers that I know who have not been announced here. Can we please look into that?

Over and above that, we have now concluded debate on the Constitution Thirteenth Amendment Bill. We will now proceed with voting on that Bill. As I have indicated to members, as we vote on this Bill I will be putting the question to the House. The first question is the following: Does this House approve the Constitution Thirteenth Amendment Bill. [Interjections] Hon member, Inkosi Ngubane?

**INKOSI N J NGUBANE (IFP):** Hon Speaker, I was under the impression that you said there will be the continuation on the debate of the Public Service Amendment Bill after lunch. [Interjections]

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Insert isiZulu paragraph 02:24:03

**THE SPEAKER:** Insert isiZulu.

Firstly, I wanted these Bills debated, both of them. I wanted them debated, after which I was going to entertaining voting on both of them so that the process for voting could encompass both Bills. However, what I cannot do is to ignore what Mr Burrows was raising. If I ignore it, it puts the process at risk, as you are saying. I do not want to be blamed by this House for putting the process at risk. There was no understanding between myself and the House about the manner in which I was proceeding. I then indicated that we will adjourn, after which adjournment we will adjourn for lunch, after which adjournment I would then come back and report after speaking to the people at the NCOP.

I have now spoken to the people at the NCOP. It is clear that there is nothing we can do. The normal procedure is now going to apply. The normal procedure is that, as soon as we have concluded the debate, we go on to voting, unless we postpone the decision. Now, in order to postpone the decision, I should have a reason for postponing it. However, it cannot be a party-political reason. That is what I am now saying. We are entertaining a normal process that we should follow. I am expecting that all Whips will be here to assist us to get the voting process going.

*Question put before the House:*

That the House approve the Constitution Thirteenth Amendment Bill, B24–2007, as required by Section 74 (8) of the Constitution.

**THE SPEAKER:** Will those who approve, say “Aye”

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who do not approve, say “No”

**HON MEMBERS:** No!

**THE SPEAKER:** In my mind the “Ayes” have it. [Interjections] Yes, Mr Combrinck?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Mr Speaker, they have already said it. I demand a division under Rule 82. Thank you.

**THE SPEAKER:** In line with Rule 82, may I establish if there are any members who support the demand for a division? Yes, there are more than four members who support the demand for a division. In that case we will have a division. I hereby request our staff to ring the bells for three minutes. In the meantime, may the doors be manned and locked after three minutes?

*Bells ringing for division.*

*After division:*

**MR B J MSOMI (UDM):** Mr Speaker [\[Insert isiZulu 02:30:24\]](#) [Laughter] [\[Insert isiZulu\]](#)

**THE SPEAKER:** [\[Insert Zulu 02:30:43\]](#) Yes, Mr Gcabashe?

**MR S J GCABASHE (ANC):** [\[Insert Zulu 02:30:49\]](#) [Laughter] [Insert isiZulu](#)

**THE SPEAKER:** [Insert isiZulu \[14:31:08\]](#)

Can the doors be locked please? In terms of our Rules, no-one is to leave the Chamber and everybody in this House will vote.

*Question put before the House:*

That the House approve the Constitution Thirteenth Amendment Bill, B24–2007, as required by Section 74 (8) of the Constitution.

**THE SPEAKER:** Will those who support the Bill, say “Aye.”

**HON MEMBERS:** Aye! Will those who oppose it, say “No.”

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the “Ayes” have it. As we proceed with voting, I will request that the Whips assist in counting. The “Ayes” will sit on the right-hand side of the

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Speaker and the “Nays” on the left-hand side of the Speaker. Please, Secretary, continue with counting.

**Insert isiZulu 02:34:50**

Hon members, after voting, **[Insert isiZulu 02:36:12]** I shall announce the results first. After voting, the following is the result:

In favour: 38

Against: 37

Absent: 4

The Speaker does not have a deliberative vote, and therefore the “Ayes” have it. [Interjections]

*Question put before to the House:*

That the House agree to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Constitution Thirteenth Amendment Bill, B24-2007, as a whole.

**THE SPEAKER:** Will those who support it, say “Aye.”

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those oppose it, say “No.”

**HON MEMBERS:** No!

**THE SPEAKER:** In my mind the “Ayes” have it. Yes, Hon member Mr Keys?

**MR R E KEYS (DA):** Thank you, Mr Speaker. According to Rule 82, we hereby demand a division.

**THE SPEAKER:** May I establish if there are any members who support the call for a division? There are more than four members supporting the call for the division. In that instance I will request that the bells be rung for three minutes.

**MR S J GCABASHE (ANC):** Mr Speaker ...

**MR R M BURROWS (DA):** Mr Speaker, if you check the Rules, it is not required to be three minutes. If my memory serves me right, it is about 15 seconds, but you can check the Rules.

**MR S J GCABASHE (ANC):** Mr Speaker, may I crave your indulgence?

**THE SPEAKER:** Yes, hon member.

**MR S J GCABASHE (ANC):** When you ordered that the doors of the House be closed, there was one member who was outside. When we were busy counting, he walked inside. Is that allowed?

**THE SPEAKER:** No, it is not. [Interjections] It is not allowed. [Interjections]

Mr Burrows, I accept that the 15 seconds provision is provided for in the Rules, but my reading is that that 15 seconds apply to the same question.

**MR R M BURROWS (DA):** Mr Speaker, I will abide by your ruling.

**THE SPEAKER:** Thank you. My ruling is that this is a different voting that we are undertaking. We are voting on the mandate. We will now ring the bells for three minutes. Shall we ring the bells for three minutes, please.

*Bells ringing for division.*

*After division:*

**THE SPEAKER:** Hon members, may the doors be locked, please? Now that the doors are locked, we will proceed with voting. We will not allow anymore members to go in or out.

*Question put before to the House:*

That the House agree to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Constitution Thirteenth Amendment Bill, B24-2007, as a whole.

**THE SPEAKER:** [Interjections] Hon members, will those who support the question sit on the right-hand side of the Speaker, and those who oppose it will sit on the left-hand side. Those who support it, say "Aye."

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those who oppose it, say "No."

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the "Ayes" have it.

Shall we sit in accordance with what I have requested? Madam Secretary, please lead the counting. May I ask the Whips to assist?

Hon members, I need to now declare the results of voting as follows:

In favour: 38

Against: 35

Absent: 6

It is recorded that the Speaker does not have a deliberative vote.

**THE SPEAKER:** Hon members, in terms of Rule 90, I order that the Minutes be corrected to reflect the correct counting on the previous voting. The counting on the previous voting was:

In favour: 38

Against: 35

Absent: 6

It is recorded that the Speaker does not have a deliberative vote. [Interjections] This mistake was brought to my attention just before the counting for the second voting took place.

**MR S J GCABASHE (ANC):** Mr Speaker, can I address you on that?

**THE SPEAKER:** Yes, hon Mr Gcabashe.

**MR S J GCABASHE (ANC):** Sir, I think we need to do a recount. It was 34 on the initial one, not 35. [Interjections]

**MR R M BURROWS (DA):** Mr Speaker, may I address you on the matter?

**THE SPEAKER:** I will investigate that, Mr Gcabashe.

**MR R M BURROWS (DA):** Mr Speaker, you have quoted as your authority Rule 90 for Correction of Minutes. I draw your attention to Rule 89 for Correction of Minutes, and I quote:

In the event of confusion or error concerning a division, another division must take place, unless the Presiding Officer and the tellers can resolve the matter.

Sir, are you saying that the Presiding Officer and the tellers have resolved the matter, that it is 35 against 38, or are we going to have another division?

**THE SPEAKER:** Shall we then take it this way? I am informed that the results as we have announced them are as such. The matter that is being raised by Mr Gcabashe is a new one for which we can invoke Rule 89. Initially I had understood that all had agreed on these figures. I would like to request the Whips to try and resolve the matter and tell us if you are not in agreement. Chief Whip, the matter that is being raised now is that the hon Rev C J Mtetwa was not in the House when the first vote took place. [Interjections] If that is the case, it cannot be that those numbers are correct, nor can it be that the numbers that I have quoted are correct. I therefore request the Chief Whip of the IFP and the Chief Whip of the Legislature to come to an agreement with the other Whips and representatives.

**MR H L COMBRINCK (IFP):** Speaker, there is nothing sneaky about it. The hon Rev C J Mtetwa was not in the House at that stage, so unfortunately those people who counted, could not count properly. If you have to deduct the one vote, it makes it 34.

**THE SPEAKER:** Therefore there is agreement that it is 34. [Interjections]

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, I agree with my colleague Mr Combrinck. The numbers are not 35; in fact, they should be 34, because the hon C J

Mtetwa was not in the House when we took the count. Thank you very much.

**THE SPEAKER:** In terms of this matter there is no confusion. There is agreement, unless somebody else disagrees. There does not seem to be disagreement from any of the other tellers. In that case we will correct the numbers as follows:

In favour: 38

Against: 34

Absent: 7.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, on a point of order. I do not think that we need to blame the Rev C J Mtetwa. [\[Insert isiZulu 02:58:37\]](#).  
[Interjections]

**THE SPEAKER:** [\[Insert isiZulu\]](#)

Shall we proceed? Hon members, we have concluded the debate under Item 8.1.

## **8.2 DEBATE ON THE PUBLIC SERVICE AMENDMENT BILL [B31B – 2006] RE: FINAL MANDATE**

**THE SPEAKER:** Hon members, we are now looking for a final mandate. In terms of the Speakers List, we will have a report by the Chairperson of the Standing Committee on NCOP Matters. Hon L F Shabalala, you have two minutes.

**MS L F SHABALALA (Chairperson of Standing Committee on National Council of Provinces Matters):** Thank you, Mr Speaker. The National Council of Provinces considered the Public Service Amendment Bill as forwarded by the Portfolio Committee on the Premier and Royal Household in terms of Standing Rule 230 (3) (b) (iii).

Having considered the report, the Bill was put to the vote in the NCOP Committee. The Committee failed to confer a final voting mandate. The ANC supported the Bill, and the IFP, DA, NADECO opposed the Bill.

Given the requirements of Standing Rule 233, the NCOP Committee is based on party-proportional representation. Since a 75% majority could not be acquired, this Bill is

referred to the House for a final mandate in accordance with Standing Rule 233(2). I thank you.

**THE SPEAKER:** Thank you, hon Ms Shabalala. We will then proceed to the hon member Mr Tarr. [Interjections] Sorry, Mr Tarr, there seems to be a point of order. Hon Inkosi Mathaba?

**INKOSI K W MATHABA (IFP):** [\[Insert isiZulu 03:01:30\]](#)

**THE SPEAKER:** Hon members, remember there is no eating allowed in the House. There is no eating allowed in the House, please. Shall we proceed? The hon member Mr Tarr has five minutes.

**MR M A TARR (ANC):** Thank you. Mr Speaker, we have already held the debate on this Bill in the House. To this day I still find it puzzling that the Bill should be opposed by other parties. I will be very brief because we do not want to rehash what has been said.

The Bill certainly tidies up a lot of problem areas. For example, it sorts out issues relating to transfers, retirement, various disciplinary issues, the speeding up of disciplinary hearings, outside work by public servants, grievances, political rights of employees and the assignment of powers. Now, I cannot for the life of me imagine why other parties would have a problem with these.

This brings us to the second main area in the Bill that which relates to new structures called government components and service-delivery units. These are units or components that exist within departments. They can have assigned powers, statutory powers or delegated powers. The functions which they perform are entirely ring-fenced. These components are answerable to an MEC and the employees are public servants.

So, we have not created anything which MECs cannot do right now. They can do it right now as they sit here. They would just be doing it in a different way if they were to do it now. However, these components certainly increase accountability on the part of departments for performing specific functions.

Mr Speaker, I do not wish to delay the House any longer. We on this side of the House wholeheartedly support the Bill, although we are still very surprised that there are other parties in this House who are opposing it. Thank you, sir.

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**THE SPEAKER:** Thank you, hon Mr Tarr. Hon member, Mr Bhengu? [\[Insert isiZulu 03:04:36\]](#)

**MR G B BHENGU (IFP):** Mr Speaker, hon members, at the top of the ANC Government's agenda is the need to centralise and consolidate power into a single state. While the Bill elucidates a number of important and positive issues, such as compliance, reporting and consolidating the ability of the public service, its overarching objective is laying the groundwork for a single public service. It is here that the IFP finds the devil in the detail.

The IFP supports federalism, devolution and the decentralisation of power. Decentralisation is integral part of federalism democracy and development.

The three spheres of government should respect the Constitution and the status of the other tiers of government, and should not encroach on the institutional, geographical and functional integrity of the other.

Let us not forget that we are bound by the Constitution. Chapter 7 elucidates the status of municipalities. This amendment will make huge inroads into the independence and the integrity of the three spheres. This should be upheld at all costs, as it is a fundamental and entrenched principle of our Constitution. This Bill demonstrates that the government is pressing ahead to gain a centralised, controlled, developmental state. Therefore, the creation of a single public service will achieve national regulation of all spheres of government within a single framework. Not surprising, a single public service would create a monolithic bureaucracy which would cripple local governments' ability to deliver basic services that it is required to do.

In order to advance accountability and transparency, we need to decentralise control. We cannot interfere with the autonomy of the municipality by transferring decision-making power to central government. In short, with the creation of a single public service, this will discount the voters and their ability to hold elected representatives to account - very much like the floor-crossing legislation.

The IFP supports good governance, but the adoption of government components and specialised service-delivery units will fracture service delivery and will almost certainly dislocate them from the principal department. We need to ask the question: Does

department have the necessary monitoring and evaluation tools? [Time expired.] The IFP will not support this Bill. I thank you.

**THE SPEAKER:** The hon member Mr Burrows has two minutes.

**MR R M BURROWS (DA):** Thank you, Mr Speaker. I have spent some 25 years in politics now. In the first 10 years I watched the party that was in government then erect an edifice built around the military, centralisation, control and apartheid. For the next ten years I watched that state disappear. For the past five years I have watched the governing party resurrecting it again! We are moving towards a centrally dominated state in which different sites of power are effectively disappearing.

Mr Tarr can perforce say, "I do not know why the other parties are opposing the Bill". We are opposing the Bill because the President can now appoint the Premier. You know he can! It does not have to be an ANC choice in this province. He can appoint a Premier he likes. Under this Bill the President can appoint any DG in this province which he likes - not the Premier and not this House! That can be done under this Bill.

Secondly, this Bill is also a precursor - as my colleague in the IFP has said - to a Bill that will arrive next year, that of a single Public Service - national, provincial and local - eliminating all barriers. In effect this Bill is unnecessary. It is worthless. We are wasting time on it. We will strongly oppose it, much as we will oppose the Public Service Bill next year. Thank you. [Interjections]

**THE SPEAKER:** Rev A H Mbatha. [Mfundisi, Mthiya.](#)

**REV A H MBATHA (NADECO):** Hon Speaker, we thought we had done an amendment on the Speakers' List. Professor Maphalala is supposed to be the next speaker.

**THE SPEAKER:** [Hhayi angiphethe mina e-amendiwe ngiphethe le. Hhayi isiyavela-ke le e-amendiwe. Kodwa ibingekho impela phambi kwami. Ngiyaxolisa-ke Lungu elihloniphekile, u-Reverend uMthiya kanye noSolwazi uMaphalala. Ngicabanga ukuthi niyazi bengingekke ngikwenze ngamabomu. USolwazi unemizuzu ewu-2](#)

**PROF J S MAPHALALA:** [Ngiyabonga Somlomo namalungu ahloniphekile. I-Nadeco iyaweseka lo Mthethosivinywa. Ngokubona kwayo ibona ukuthi usabalalisa, ukhuthaza ukusatshaliswa kwezidingo zomphakathi. Ngiyabonga.](#)

**THE SPEAKER:** Shall we then proceed to the hon member, Mr Rajbansi? The hon member has two minutes.

**MR A RAJBANSI (MF):** Mr Speaker, if you have in your mind to find spooks, you will find spooks where there are no spooks. [Interjections] This is a fine piece of legislation. [Interjections] The problem which public servants are confronted with is discipline. There are deficiencies and discrepancies. Mobility is the greatest factor and this Bill addresses that.

This Bill does not take away the executive responsibility of a municipality, provincial government or central government. It simply improves service delivery. It will definitely improve service delivery. The problem which workers are experiencing is mobility from one level to another, from one tier to another. It is having a negative impact on them. This Bill improves the lot of public servants.

We argued about having one public service in the country even before 1994, because we had persons employed in terms of different pieces of legislation, and we want to streamline this. [Interjections]

Radley, if you do not shut your mouth, I will not give you tickets for the Pirates match. [Laughter] I know you will come to me for the Pirates match. I will not give you a ticket if you do not behave! [Laughter] I will give you two tickets for the Pirates vs Chiefs match, because you do not go and watch black people playing soccer. You must change! You must change! Thank you.

**THE SPEAKER:** We will proceed to hon Mrs Downs. The hon member has two minutes.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. The ACDP's founding document and our first founding statement ... sorry, our second founding statement refer to our adherence to the principle of federalism. The ACDP would be very untrue to its founding statements if it agreed to this legislation. We have no problem with regulating and evening out systems within the public service, but we do have a problem with the very issue that the hon Mr Burrows raised. It is unthinkable that a national President could appoint a DG for a province. It has come to the point where everything is amassed in one office. If the ANC is honest, that is what your conference in December is about – the argument about amassing power in one centralised area. We cannot have that. If we are

going to have different provinces and different areas to govern, it is really not on.  
[Interjections]

The second problem that we have with this Bill is that it is completely redundant. It is going to be in place for five or six months and then we will get a whole new Bill coming. What on earth for? I do not understand what the point is. It is a waste of time. It is a waste of money and it is a waste of our breath. We could have done better things with our time here in the Legislature.

The ACDP does not support this Bill.

**THE SPEAKER:** The hon member, Mr Msomi. The hon member has two minutes.

**MR B J MSOMI (UDM):** Mr Speaker, the UDM does not have a problem with the Bill. My vote will be in the affirmative.

**THE SPEAKER:** Thank you, hon Msomi. We now close the debate with Ms Shabalala. Hon member Ms Shabalala, you are being called on to close the debate now.

**MS L F SHABALALA (Chairperson of Standing Committee on NCOP Matters):** Mr Speaker, I wish to thank hon members who have participated in this debate. I particularly wish to thank the Chairperson of the Portfolio Committee on the Premier and Royal Household for being on target in terms of pushing this Bill. I also want to thank you, hon Speaker, for giving us the opportunity in this House to agree on a final mandate. Whether we win as a province or not, we have done our duty as per the mandate from our people. I thank you.

**THE SPEAKER:** Thank you, hon Shabalala. We have now completed the debate on this Bill.

*Question put before the House.*

**THE SPEAKER:** Will those who support the Bill, say "Aye."

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those who oppose it, please say "No."

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the “Ayes” have it. Yes, Mr Combrinck?

**MR H L COMBRINCK (Chief Whip of the Official Opposition):** Mr Speaker, we demand a division under Rule 82.

**THE SPEAKER:** There has been a demand for a division. May I ascertain whether there is support for that? There are more than four members who support the division. I now request that the bells be rung for three minutes, and that the doors be manned.

*Bells ringing for the division.*

*After division:*

**THE SPEAKER:** Can the doors be locked, please. The doors will remain locked until we have declared the results of voting. As the doors are now closed, I will again be putting the question to the House. I will also request that those who support the Bill sit on the right-hand side of the Speaker, and those who oppose it sit on left-hand side of the Speaker.

*Question put before the House:*

That the House agree to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Public Service amendment Bill, B31B - 2006 as a whole.

**THE SPEAKER:** Those who support it, say “Aye.”

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No!

**THE SPEAKER:** I think the “Ayes” have it. We will then sit on the right-hand side, and others will sit on the left-hand side. Madam Secretary, can you please lead the counting? Will Whips and party representatives please assist?

**THE SPEAKER:** Are you rising on a point of order, hon Mr Gcabashe?

**MR S J GCABASHE (ANC):** Mr Speaker, I wish to ask a question [ukuthi laba abalele bazobalwa na nabo?](#)

**THE SPEAKER:** [Hhayi abalele abavuke bo! Abavuke abalele bazojeziswa.](#)

**MR M B GWALA (IFP):** [Somlomo, isaqhubeka lento Somlomo...](#)

**THE SPEAKER:** [Yes, Mphephethwa.](#)

**MR M B GWALA (IFP):** I rise on a point of order, [Somlomo. Isaqhubeka le nto yokusongelwa. Ilunga elihloniphekile uBamjee ke manje usevele ethi nje “ngizoshaya wena, ngishaye wena, ngishaye wena...”](#) [Interjections.]

**THE SPEAKER:** [Bamjee, ungasongeli abanye.](#)

**THE SPEAKER:** Hon members, I wish to announce the votes as follows:

In favour: 44

Against: 31

Absent: 4

The Speaker has no deliberative vote, and therefore the “Ayes” have it.

### **8.3 REPORT BY THE MINISTER FOR WATER AFFAIRS AND FORESTRY**

**THE SPEAKER:** Hon members, we shall now proceed to Item 8.3 on the Order Paper. The Minister of Water Affairs and Forestry, Minister Hendricks, will deliver a report to the House. Firstly, I wish to thank the Minister before she even begins her speech. Hon Minister, thank you very much for indulging us with your presence. We know it took quite a time before you could find a date to accommodate us, but it was all on a positive note. We also wish to thank the staff in your department, your management and everybody else who made it possible for you to be here today. Yes, thank you very much.

I want to warn the hon Minister that there are photographers here who are very keen on taking photographs of national Ministers who visit this Chamber. We will allow them a few minutes to take photos of you. We hope that you will not feel embarrassed and that you will not be angry with us. I hope there are not too many photographers. I also hope

they are also not going to take too long. However, we will allow them an opportunity in advance. *Woza, baba, woza. Woza ngapha impela nangu ngapha uMinister.*

**MR S J GCABASHE (ANC):** Mr Speaker, *ngicela ukubuza ukuthi iLungu elihloniphekile uMcoyi uzosenzani lesi sithombe?*

**THE SPEAKER:** *Uyabona nje uzixabanisa nomndeni ekhaya. Sekungile?*

Hon members, I think we will now give an opportunity to the Minister to offer us the briefing, as requested. Hon Minister, thank you very much. You have thirty minutes within which to do it.

**MRS L HENDRICKS (Minister of Water Affairs and Forestry):** Thank you very much, Mr Speaker.

*UNdunankulu wesifundazwe, u-comrade S'bu Ndebele, uSomlomo ... [Interjections]*

**THE SPEAKER:** *Niyahlupha-ke manje. Niyahlupha-ke manje, please asimhloniphe uNgqongqoshe.*

**MRS L HENDRICKS:** *USomlomo weSishayamthetho, uBaba uMchunu, uSekela-Somlomo, ubaba uNdabandaba, amalungu eSishayamthetho saKwaZulu-Natali, amaLungu esiGungu Esiphezulu, oMeya bezindawo ngezindawo abakhona la nabo bonke abakhona eNdlini, ngiyanibingelela ntambama nje.*

*Kuyintokozo enkulu kimina ukuba ngibe kanye nani ngizokhuluma ngemibono kanye namaqhinga oMnyango Wezamanzi engiwengamele esiGungwini Esiphezulu kuSishayamthetho sikaZwelonke. Ngiyasithakasela kakhulu isimemo sakho, Somlomo*

*Okungijabulisa kakhulu ukuthi ngime la namhlanje, kulesi Sishayamthetho ku-province yami yokuzalwa, ngoba abanye uma bengibuka babona lesi sibongo sika-Hendricks. Bangazi ukuthi lo ome la, uMaNgwane, ongowokuzalwa la kule-province, okhulele e-Lamontville, intombi kaXinamandla, kaBafana, kaSigaga, kaLukazi, le emi la.*

*Kungakho-ke ngijabula kakhulu ukuthi ngithole lesi simemo, phezu kwalokho, i-province yokuqala le engimenywe kuyo ukuthi ngizokhuluma nesishayamthetho. Esikhuluma ngakho-ke namhlanje ingxaki yamanzi. Kutholakale ngaphambili ukuthi amanzi yiyonanto ekwazi ukwenza intuthuko ibe khona emhlabeni jikelele. Noma kuliqiniso*

ukuthi amanzi ewodwa akwazi ukwenza intuthuko, kodwa ukwentuleka kwayo kungavimba ukuthi intuthuko ikakhulukazi kwezomnotho ingabi bikho. Ngakho-ke kubalukile ukuthi siqoqe zonke izinsizakusebenza esingazithola ekwakheni amaqhinga okukhuphula izinga ohlelweni lokufakwa kwamanzi kanjalo futhi nokuthuthukiswa izimpilo zabantu. Yiinkinga yamanzi njengoba sengishilo engenze ngaba lapha, ukuzokhuluma nani ngemibono nangemicabango uMnyango wami onayo ngokuxazululwa kwale nkinga.

Sekuphele Somlomo iminyaka eyishumi nantathu sikhululekile kuhulumeni wobandlululo. Noma sesihambe indima enkulu ukufeza izidingo zamanzi kubantu kodwa sisenazo izinngqinamba njengoba kusenemizi ebalelwa ku-680 000 engangakuthi mbimbi ukuphuza amanzi ahlanzekileyo. Ngokunjalo kusenemizi ebalelwa ku-993 000, nayo esantula izindlu zangasese. Singuhulumeni-ke angeke sizishaye isifuba uma kusenezinkinga ezingaka, kuphela nje kufanele sizibuze umbuzo wokuthi: ungakanani umonakalo owenzekayo ezimpilweni zabantu bakithi uma bengenazo lezi **zinkonzo**.

Yiziphi pho izinngqinamba esibhekene nazo? Eyokuqala esingayibala, imali, izinsiza zokusebenza kohulumeni basekhaya, ukwentuleka kwezinto zokwakha, njengoba sizophatha umncintiswano kanobhutshuzwayo womhlaba wonke, lokhu kwenza ukuba umncintiswano wamakhono ukhule, izinkundla zika-2010, i-Gautrain, iDube Trade Port. Zonke lezi zinto sincintisana nala makhono esiwafunayo ukuhambisa lezi **zinkonzo**. Kuzo zonke lezi zinkinga ezikhona, akufanele ukuthi sivume ukwehluleka ukufeza izidingo zabantu. Ukusebenzisana kwethu ekulweni nezinkinga yikhona okubaluleke kakhulu ukuze siphumele ukufeza izimfuno zomphakathi.

Somlomo ohloniphekileyo, okwenza lezi zinkinga zethu zibe nkulu kakhulu, isomiso esithe bhe. Ngaphandle kokuthi abantu abakawatholi amanzi, isomiso senza ukuthi izinkinga zande kakhulu. Noma kukhona imvudlana nje eke yana ezinsukwini ezedlule kodwa isomiso asikabi sihle. Ucwangingo lokubheka indlela imvula ena ngayo eminyakeni emithathu elandelanayo, lucacise bha ukuthi izindawo eziseNyakathi kanye namaphakathi nesifundazwe zithole ezincane kakhulu izimvula eminyakeni emithathu eyedlule. Lokhu-ke kusho ukuthi lezi zindawo zingabizwa njengezindawo ezihlukunyezwe kakhulu isomiso. Imiphumela yalesi somiso mikhulu kakhulu, njengoba kumanje nje, izingqalasizinda zamanzi ezinkulu nezincane ziyehluleka ukwenelisa izidingo zabantu. Kuzothatha iminyaka eminingi kakhulu ukuthi lezi zingqalasizinga

zamanzi zikwazi ukubuyela esimweni sazo, ikakhulukazi lezo ezitholakala ngaphansi komhlaba, i-ground water ke ukutsho. Somlomo ngithatha leli thuba ukwazisa le Ndlu ehloniphekileyo ukuthi umklamo wesamba esingu-R35 million, sinikezelwe imikhandlu yalesi sifundazwe ukulwa nale nkinga kulo nyaka wezimali. Lo mklamo wabiwe kanje:

<b>Umasipala</b>	<b>Isamba ( ngezigididi zamarandi)</b>
Ugu	4.0
uThukela	3.0
uMzinyathi	3,0
Amajuba	1,0
Zululand	7.0
uMkhanyakude	8,0
uThungulu	4,5
iLembe	1,5
Sisonke	3,0
Sesisonke isamba	35,0

Engikwaziyo njengoba ngime lapha ukuthi, ayanelanga le mali. Ingaphansi kwemali leyo ebicelwe yi-province. Kodwa-ke singathi akufani nokuhlala ngoba i-province itholile. Umhlangano engibe nawo noNdunankulu, ubaba uMabuyakhulu, besibonisana ukuthi singenza kanjani ukuthi le mali yesomiso siyinyuse sithatha lapha nalapha. Angithembisi-ke kodwa ngifuna ukuthi kuye ngizwile.

Ndunankulu weSishayamthetho, akulona iqiniso ukuthi sonke lesi sikhathi kade sihleli singenzi lutho. Kodwa sibambisene noMnyango Wezasekhaya kanye noMnyango Wesifundazwe kanye nabathintekayo. Siwakhile amaqhinga okubhekana nezinsalelo zokuniza abantu amanzi kanye nokunakekelwe kwezizinda zamanzi.

Kule ndima uMnyango kumanje uqale uncwaningo lokubheka ukuthi izizinda zamanzi ezisemadolobheni amakhulu zingasebenziseka kanjani ngokuhlanganyela, ikakhulukazi ezindaweni ezinjengoTheku, oMsunduzi Local Municipality nezindawo ezakhele umkhandlul waseMgungundlovu, iLembe kanye noGu. Lolu cwaningo luzoqhutshwa lwengamele yonke imikhandlu kuyo yonke iKwaZulu-Natali ngokuhamba kwesikhathi.

Izinhlelo engingazibala nje zokuthuthukisa izizinda zamanzi

- Idamu i-Spring Grove elizoqala ukwakhiwa e-Mooi River ngemali elinganiselwa ku-R360 million elizosiza lona ukudlulisela amanzi emfuleni uMgeni.
- Idamu i-Hazelmere lizophakanyiswa ubonda ngamamitha ayisikhombisa ngemali elinangniselwa ku-R 25 million. La manzi azophakela i-Dube Trade Port kanye nesikhumulo sezindiza kanjalo nezindawo ezisenyakathi yetTheku.
- Kunedamu elisacwangingwa, KwaDukuza elingabiza imali elinganiselwa R 600 million.
- Elinye idamu elicwangingwayo emfuleni uMvoti ngase-Greytown ukuphakela izikimu zasemakhaya. Imali yaleli damu ilinganiselwa ku-R 100 million.
- Idamu elizosebenza ukulondoloza amanzi eNgwadini, isizindana esincike emfuleni uMkhomazi, nalo liyacwangingwa njengamanje. Leli damu lona lizosiza ukuthi izinkampani ezifana no-SAICCOR zingavalwa uma kukhona isomiso. Kulindeleke ukuthi leli damu lakhiwe ngo R 200 million.
- UMnyango wami futhi udlala indima ekucwangingeni ukwakhiwa kwedamu elizophatha izikhukhula emfuleni uMzimkhulu kumasipala waseSisonke. Idamu lizosiza futhi ukufakela abantu abakhele le ndawo amanzi.
- Kunedamu futhi elihlongozwayo emfuleni iMpondo ukuze lisize abalimi abasafufusa ngasemfuleni i-Buffero kumasipama waseMajuba.
- UMnyango usacwanginga isicelo sokuthola imvume yokwakha amadamu amabili azosetshenziselwa ukwakha ugesi yinkampani kagesi i-Eskom.

- Uhlelo lokulungisa umfula uSuthu ukuze ukwazi ukubuyila esimweni esamukelekile ekubuyekizweni kwesabelozimali esisanda kukhishwa manje kubekwe imali engu-R8 million ukwenza lo msebenzi.
- Ukwakhiwa kwamaqhinga okuphatha kahle zonke izizinda zamanzi nakuwo wonke amadamu akhona ukuze kusetshenziswe kahle umhlaba okwakhiwe kuwo amadamu, nalowo msebenzi uyaqhubeka. Lolu hlelo luzohambisana nohlelo lwesifundazwe lokuthuthukisa umnotho.

Somlomo, ngaphezu kwazo zonke lezi zinhlelo ezibalwe ngenhla, siphezu komkhankaso wokulungisa ukungalingani ekunikezweni kwamalungelo okusebenzisa amanzi, *that's the water allocation reform*. Inhloso enkulu ukuthi ukunikezwa kwamalungelo amanzi akufane kuwo wonke umuntu nanokuthi kulungiswe ukulungani okwenzeka ngezikhathi zobandlululo. Isizinda samanzi soMhlathuze siqokwe ukuba sibe yisibonelo salo mkhankaso kanti nocwaningo seluhambe kakhulu. Izinombolo ziyasho ukuthi amanzi angabuyiswa angakwazi ukuchelela umhlaba obalelwa kumahektha ayi-10 000. Inhloso yami enkulu ukuthi sikwazi ukunikeza amanzi okuchelela kulabo balimi abasafufusayo. Lolu hlelo-ke kufanele luxhumane kakhulu nezinhlelo zoMnyango Wezokunizelwa Komhlaba ukuze phela lusebenze ngempumelelo.

Somlomo kubaluleke kakhulu ukuthi iminyango ikhulumisane, ikakhulukazi uMnyango wakho weZolimo kufanele uthintane nomasipala wasOthungulu ukuze abalimi abasafufusa abangamalungu kasosesheni waseNkwaleni nase-Heatonville bangeniswe ngendlela futhi bafundiswe kabanzi ngezolimo.

Malungu ahloniphekile nizokhumbula ukuthi kade ngimemezela ngoMashi inani elibalelwa ku-60 million cubic metres lamanzi abekelwe ukulima umoba ozophakela umshini kashukela noma i-bio-diesel eMakhathini Flats. La manzi azobe esuka eJozini Dam. Kulolu hlelo kuhlangele izinkampani ezimbili ezibizwa, uTongaat Hullet Suger kanye no-Irrimec. Lezi zinkampani zizokwenza ucwaningo mayelana nohlobo lwemboni ezokwakhiwa, ezinyangeni ezingamashumi amathathu nesithupha ezizayo.

Uma siza ezinhlelweni zokufakela amanzi okuphuza, ukwakhiwa komqulu ophethe uhlelo lwesifundazwe saKwaZulu-Natali sokufeza izidingo zamanzi sekuya ngasemaphethelweni. Inhloso yalo mqulu ukuba kube nomhlahlandlela kanye neqhinga okuvunyelwene ngalo kuthi amanzi azofakwa kanjani kulesi sifundazwe ngendlela

eqhubekayo kanye nefanelekileyo.

Inhloso enkulu yalo mqulu ukuthi isifundazwe sakhe izizinda zokufakela amanzi ezinkulu ukuze kube lula ukuzigcina kanjalo futhi kube lula ukuzisebenzisa. Sekunezikimu ezinhlanga esezivunyiwe zanikezwa futhi nemali komasipala uGu, uThungulu, uMkhanyakude, kanye neZululand, kanti eziyisikhombisa ziphezu kocwaningo oseluya ekupheleni kanti zingaqala ukusebenzi kulo nyaka ozayo. Isifundazwe sinikezwe imali engango R 350 million eminyakeni emithathu. UMnyango wami kumanje nje uqedela isicelo esiya eMnyanweni Wezezimali ukuba lolu hlelo lunikezwe imali engango-R 350 million eminyakeni emibili kuze kube wukuphela kwazo zonke izikimu ezincane lapha kulesi sifundazwe.

Leli pulani lithatha kakhulu izinjongo ze-Provincial Growth and Development Strategy. Sibheke ngamehlo abomvu ukuthi ngoDisemba umqulu waleli pulani ube usuphelile bese uyokwethulwa ezinhlangeni ezifanele zesifundazwe lapho uyovunywa khona bese uthunyelwa kwezinye izinhlanga zikahulumeni ophezulu ukuze uhlanganiswe nepulani likazwelonke.

Onyakeni wezimali odlule, omasipala bakho Ndunankulu ohloniphekileyo wesifundazwe bakwenze waba mkhulu ngokuthi bayisebenzise yonke imali ababenikwe yona yokuthi bafake izidingo, kunjalo nje [ Ye ye ] , kunjalo nje imali eningi bayisebenzisele ukufaka amanzi emphakathini kanye nezindlu zangasese. Basebenzise imali engamaphesenti awu-97 emalini ebalelwa ku-R 1,1 billion ngonyaka owodwa vo [ Ye ye]. Lokhu kusho ukuphumela kwalesi sifundazwe kuzo zonke izifundazwe eNingizimu Afrika [ Ye ye]. Ngisincoma kakhulu-ke isenzo salesi sifundazwe ngoba selokhu kwaqala uhlelo lwe-MIG, iKwaZulu-Natali ihamba phambili [ Ye ye]

Izinhlelo zokuphakelwa amanzi nokuthuthwa kwendle ziyophumelela kahle uma ukusebenza kahle nokugcineka kwezikimu kusezingeni elifanele. Kufanele-ke ukuthi omasipala baziqoqe izimali kulabo abasebenzisa amanzi. Uma kubehlula lokho mabahlangane noMnyango Wezamanzi Namahlathi ukwenzela ukuba sibone ukuthi yiluphi usizo esingase sibanike lona. Ukuqoqeka kwemali kuzosiza ukuthi umasipala akwazi ukugcina izikimu zisebenza . Lapho kunomthetho wokufakelwa kwamanzi mahhala, ikhona imali ebhekele lolo hlelo omasipala abangakwazi ukuba bayithole.

Somlomo ohloniphekileyo, ucele ukuba ngikhulume ngomsebenzi owenziwa

nguMnyango wami kulabo masipala abalandelayo: uGu, uMkhanyakude, uThukela kanye noMzinyathi emva kokuba ithimba ohlelweni lokuhambisa iphalamende ebantwini, lathola izinkinga ezikhungethe le miphakathi.

### **UThukela District Municipality**

Ngike ngaphelezela uSekela-Mengameli, uNkosikazi uPhumzile Mlambo-Ngcuka, e-Bergville lapho kunedamu elibizwa nge-Woodstock, ngoMeyi walo nyaka. Kwangithinta kakhulu enhliziyweni ukuzibonela mina mathupha, usizi lokwentula kwabantu amanzi, kodwa kukhona isikimu esikhulu esithutha amanzi kulelo damu sihambe siyophakela isizinda sokwakha umnotho wase-Gauteng, waseGoli.

Lokhu kungenze ngafuna ukusungula ukucutshungulwa kwemigomo kahulumeni ezoqikelela ukuhlomula kwabantu abahlala noma abakhele amadamu [ ye ye]. Sengiqalile kumasipala wasoThukela ngokubasiza ngokuthi kutholakale imali ezokwakh isikimu endaweni okuyisona esizovula amathuba ezokuvakasha kanye nokukhuphula umnotho wendawo kuleyo ndawo eyakhele indawo eyakhele idamu lase-Woodstock. Ukwakha lesi sikimu kulinganiselwa ku-R 45 million.

Kanti-ke nangembizo kaMengameli uThabo Mbeki, kuvele ukungaphatheki kahle kwamadamu aphethwe abanye omasipala kanye nokubaluleka kokungenelela komnyango wami ekusizeni omasipala ukuba baphathe ngendlela izizinda zamanzi. Asilishiyi-ke ngaphandle idamu lase-Olifantskop elingaphansi kukamasipala waseNdaka, okungenye yezindawo uMengameli azihambela.

Amadamu amaningi akulesi sifundazwe saKwaZulu-Natali agcwele udaka. Lokhu kukhomba ukuthi awaphathekile futhi awagcinekile ngendlela efanelekile. Kunesidingo esikhulu-ke sokuthi kubhekisiswe kahle indima engadlalwa ohulumeni basekhaya kulesi sigaba. Ubuye ukhumbule Somlomo ukuthi labo masipala basalindeleke ukuthi baqede bonke abantu abasantula ukufakelwa kwamanzi ezindaweni zabo phakathi kwesikhathi esikaliwe, u- 2008 amanzi, u-2010 amalungelo okanye inkonzo zokuhambisa indle.

Kuhlasimulisa umzimba ukucabanga ukuthi kunabantu nanamuhla abahlala eduze kwamadamu kodwa abangakasizakali ngalutho ngawo, ngaphezu kwalokho babehlukunyeziwe, basuswa kulezo zindawo ngesikhathi kwakhiwa lawo madamu. Sengithumele uMnyango wami ukuba ucubungule izindlela abantu abangasizakala

ngazo. Ngikwazi kahle kamhlophe ukuthi izinhlelo zamanzi, *that is services*, ezohulumeni basekhaya, kodwa umnyango wami uzosebenzisana nabo omasipala ekuthenini la bantu babekwe phambili uma kwakhiwa amaqhinga entuthuko. Singekubeke ngaphandle ukuthi nama-Water Board angadlala enkulu indima kule ndawana. Lo mba ke umba esikhulume kakhulu nawo no-*comrade* Mabuyakhulu ngesikhathi sibonisana ngesimo sokuhanjiswa kwamanzi nendle lapha kulesi sifundazwe.

Uma siza kuMkhanyakude District Municipality, njengasoThukela, eMkhanyakude kukhona idamu laseJozini, iPhongola Poort Dam, kodwa abantu bakhona abanawo amanzi okuphuza. Ngike ngakhuluma nenkampani kashukela eyakhiwayo ezoletsha amathuba omsebenzi kanye nokuthuthuka komnothio kuleya ndawo. Kumanje nje umasipala waseMkhanyakude usizwa uMnyango wami kanye noMhlathuze Water uphezu kocwaningo lokubheka indlela yokusebenzisa idamu laseJozini kuthi liphakele wonke uMkhanyakude ngamanzi.

Uma siza kuGu District Municipality, uMnyango wami ube nesandla esikhulu ekusizeni umasipala wasoGwini ukuba uqhamuke nesiphakamiso sokufaka uhlelo lwamanzi endaweni yaseMathulini kanye nohlelo lokuhambisa indle ngamanzi ashaywayo endaweni yaseMalangeni.

Umzinyathi District Municipality kanjalo nasezindaweni ezinjengo-Greytown kanye naseQhudeni kumasipala uMzinyathi, izinhlelo zokufaka amanzi ezinkulu zibhekwe ngamehle abomvu.

Ukwentuleka kwamanzi kumasipala uMsinga kanye naseMvoti kuyaziwa kanti uMnyango wami ubambisene nomasipala uMzinyathi uphezu kocwaningo ngalolu daba. Ukutholakala kwezinkinga ezinjena kubikwa ukungasebenzi kahle kwenkampani yokufakela amanzi uThukela Water, eyasungulwa yiwona uMzinyathi ebambisene nomasipala abalapha esizindeni samanzi oThukela. Sengike ngafakana umlomo nongqongqoshe uMabuyakhulu ngalolu daba, futhi ngiyathembisa ukuthi iziphakamiso zocwaningo, *forensic audit*, olwenziwe ngesimo sale nkampani uThukela Water nezincomo abasinekeze zona, sizozifakela izibuko ngempela. ( ye ye)

Ngilapha nje ngiyazi ukuthi umasipala uMzinyathi usuke wakhulumisana noMngeni Water ukuba usize kulolu daba lwamanzi aseMvoti.

Sengiqedela-ke Somlomo, namalungu ahloniphekileyo, ngifuna ukukhuluma ukuthi sinendima esiyidlala ngokukhulu ukuziqhenya kwezamahlathi, lapho sibhekene nqgo nokuguqula indlela yokusebenza kwezamahlathi. Uzokhumbula ukuthi ngenyanga kaJuni, ngethula uhlelo lwe-Forestry BBBEE Charter, oseluya emaphethelweni njengoba sikhuluma nje. Ngibheke ukuthi kuzokuba nezinguquko ezinkulu kule ndima kanti lesi sifunda sizohlomula kakhulu, ngisho nabesifazane nentsha imbala. [ye ye].

UMnyango wami futhi usemkhankasweni wohlelo lokudlulisa noma ukunikeza uMnyango Wezolimo izihlahla zomdabu, *indigenous trees* kanti lolu hlelo seluhambe indima ende kakhulu.

Kungekudala, ngizobe ngidlulisela amahlathi akhelwe umphakathi waseMbazwana naseManzengwenya ngisebenzisana noMnyango wezomhlaba kanye nowezomnotho la esifundazweni.

Kungekudala sizophuma nesixazululo sezinkinga zaseDukuduku. Sisonke noNgqongqoshe womnyango wezamakhosi kanye nezindlu, nekomiti longqongqoshe besifundazwe elasungulwa yiKhabhinethi yesifundazwe eliphakeme kanye nongqongqoshe wezemvelo nezokuvakasha sihlangane sabuka kuthi iziphi izincebiso eziphumile emva kokuthi ithimba ebelikhethiwe nekomiti ebelikhethiwe iye yenza uvavanyo yakhuluma nabantu bonke, yaye isithi thaca phambi kwethu, sihleli naye ungqongqoshe uMabuyakhulu, i-*options* okanye izinto esingathi sizikhethe ukuxazulula le ngxaki yaseDukuduku.

Ngingasho-ke ukuthi, uma sesihlanganise konke, satshela neKhabhinethi ukuthi zithini lezi zimbambathiso, sizobuya size la ephondweni, sizochaza ukuthi kuzohanjwa kuyiwephi, kuhanjwa kanjani kule meko yaseDukuduku. Nginxusa-ke ukuba sonke sibambane ngezandla, ekuxazululeni lolu daba, kanti mina ngingungqongqoshe oqondene nalolu daba anginaxhala ngokuqhubekayo kulolu daba.

Uhulumeni useqale uhlelo lokuthuthukisa ezemvelo nokutshalwa kwezihlahla zomdabu nezezithelo eziyisigidi ngonyaka, *what we call " a million tree campaign"* . Lapha-ke sibambisene neminyango yesifundazwe nemikhandlu yohulumeni basekhaya.

Sinazo-ke ezinye izinhlelo zokuxosha ikati eziko sibe futhi sigawula nezihlahla

okungezona ezendabuko lapha eNingizimu Afrika, abanye abaningi benu bayakwazi lokho phansi kohlelo okuthiwa yi-“ *Working for Water*” . Sibambisene kakhulu la nomnyango wezilimo kulesi sifundazwe.

Njengongqongqoshe obhekele imithetho yokuvikela ukushiswa kwemililo yasendle nasemahlathini, ngiyafisa ukudlulisa ukubonga okukhulu ngeqhaza elabanjwa yilesi sifundazwe ngesikhathi sikhungethwe yimililo emibi yequbula eyehamba nemiphefumulo yabantu kanye nempahla yabantu eningi. Ngithi angithathe leli thuba-ke Somlomo ngasize iNdlu ehloniphekileyo ukuthi uMnyango wami kanye nalabo esibambisene nabo, sesiqalile ukuqinisa umkhankaso wokugquzela ukwakhiwa kwezinhlangano zokuvikela umlilo, ezindaweni ezahlukeneyo, ngisho nasezikoleni imbala, lapho izingane nemiphakathi beqwashiswa khona ngobungozi bomlilo.

Ngiyathemba ukuthi le mikhankaso izophumelela kuzindawo zonke. Ngiyabonga

**THE SPEAKER:** Sibonga kakhulu kuNgqongqoshe ohloniphekileyo, umama uNkk Hendricks ngombiko asethulele wona. Thank you very much, hon Minister.

#### **8.4 DEBATE ON THE REPORT, AS TABLED BY THE MINISTER FOR WATER AFFAIRS AND FORESTRY**

Hon members, we will now entertain a debate on this report by the Minister, after which we will deal with a problematic matter which has arisen. I have been requested to allow a statement by one of the MECs, the Leader of Government Business. I have looked at the statement and I have agreed to allow him an opportunity to make a statement in this House in terms of Rule 100. The statement will be distributed to hon members before the MEC makes that statement.

In the meantime, there will also be an opportunity for the Minister to reflect on the issues that will be raised during this debate, and she will respond to these matters after I have adjourned the House. The Chief Whip will deal with that session. In the meantime, let me allow the hon Mr Sithebe to begin the debate.

**MR M E SITHEBE (ANC):** Mangibonge kakhulu Somlomo ukuthola leli thuba lokukhuluma kule nkundla esiyivulelwe uNgqongqoshe umama uHendricks. Mhlawumbe kudinga ukuthi umuntu asho okokuqala nje ukuthi, uma sithi “Masisukume sakhe iProvince yakwaZulu-Natali” le nto yokuthi sikwazi ukuthi sivakashelwe oNgqongqoshe

la, sikwazi ukuthi sisho ukuthi nazi izinto nabo bakwazi ukuphendula kukhombisa ngokusobala ukuthi siyasukuma ngempela ukuba sakhe le Province yakwaZulu-Natali.

Into-ke uNgqongqoshe asesinikeze yona ikhombisa ngokusobala ukuthi uhlelo lokuthatha iPhalamende silise kubantu liyasebenza uma sisebenza ngokubambisana kuzo zonke izinhla ezikhona zikaHulumeni ngenxa yokuthi kwinkulumo kaNgqongqoshe kazwelonke enye yezinto azivezayo yile nto ethi: kulabo Masipala esabavakashela sathola izinkinga ezaziqhamuka kulabo Masipala ezithinta amanzi, kuye kwenzeka ukuthi bahlale phansi ngenxa yokuthi imibiko ibidlula ethi, kusetshenzwa kanjani. Yiziphi izingqaxaki ezikhona kulabo Masipala. Ngithi mangibonge kakhulu Ngqongqoshe ukuthi usabele ukhombise ukuthi le nto yokuthatha iPhalamende lisiwe kubantu liyothola ukuthi kwenzakalani, akukhona nje ukudlala ngemali kodwa yingoba sifuna ukwenza konke okusemandleni ukuthi abantu bawubone umehluko wokuba noHulumeni oncike ezidingweni zabo.

Kufanele-ke la umuntu acacise ukuthi kulolu hlelo uNgqongqoshe akhuluma ngalo njengoba sonke sazi kahle kamhlophe ukuthi ukungabibikho kwamanzi akuyona mhlawumbe into eyenzeka kuwo wonke umuntu ohlala kwiProvince yakwaZulu-Natali kodwa ukungabibikho kwamanzi kwenzeke kubantu abawu-87% bakwaZulu-Natali, kwathi abawu-13% bavele banayo ingqala-sizinda yamanzi. So, lele nto-ke esizama ukuthi sibhekane nayo yimpi enzima kakhulu yokuba sibuke ukuthi sikusabalalisa kanjani lokhu. And, uma siyenza le nto, uNgqongqoshe usecacisile ukuthi sizokusebenza lokhu ngokubambisana phakathi kwethu siyiProvince, uhulumeni kazwelonke kanjalo noHulumeni basekhaya uma sikwaze ukuthi sisebenze ngokubambisana njengoba umlayelo weConstitution usho ukuthi iGovernment uma isebenza ngokubambisana kuzo zonke lezi nhla lokho kuyokwenza ukuthi kubekhona ukuphuthumisa ingqala-sizinda edingwa abantu nemisebenzi edingwa abantu lapha phansi.

Kufanele-ke ukuthi sisho la Ngqongqoshe ukuthi ngonyaka odlule siye saya nawe ngqongqoshe lapha emSinga endaweni yasemaChunwini. Uma sasilaphaya, into esayithola sinoNgqongqoshe iphuma noma umbiko owawuthulwa uMzinyathi wawusikhombisa isithombe esingesihle esasithi ukufakwa kwamanzi laphaya eMzinyathi kungaze kube ngo-2030, engicabanga ukuthi enye yezinto leyo ekhombisa ukuthi kunenselelo ekhona ekutheni sibhekelele ukuthi le nto esithi oMasipala abasifakele

amanzi. Sikwazi kanjani ukubona ukuthi banawo yini amandla noma lokhu esithi yicapacity yokuthi bakwazi ukukwenza lokhu? Sibasiza kanjani ukuthi bakwazi ukuze abantu bakithi basheshe baphume kule nkinga enkulu engaka esibhekene nayo.

Mhlawumbe-ke okunye okuhle uNgqongqoshe akhulume ngako yilezi mali athe ziphumile, wazibeka, ezibhekelele ikakhulukazi ekuthenini sikwazi ukubona ukuthi imithamo yokugcinwa kwamanzi iyandiswa njengoba ecacisile ukuthi ezindaweni ezifana nalaphaya emaJuba, la eMooi River nasezinye izindawo kuzoba khona lolu hlelo lokuthi kukwazi ukubhekelelwa. Sicabanga ukuthi iyona ngqikithi enkulu lena ezokwenza ukuthi singagcini, mhlawumbe sithi uma sifakela abantu amanzi sibe nale nto ebiyenziwa amaJoint Services Board abekade ekhona abethi uma efakela abantu laphaya abafakele amaBore Holes kodwa sibuke ukuthi sinezindlela ezikhombisa ukuthi siphokophele ukuthi sense izimpilo zabantu zibengcono.

So, sithi siyakuthakaselela ukuthi siyile Province yakwaZulu-Natal, ukuba uNgqongqoshe akwazi ukuzosicacisela ngale misebenzi emihle kangaka esithi masiyenze.

Mhlawumbe-ke okunye esifanele ukuthi masikucacise, uNgqongqoshe adlule kukhona yikho lokhu okukhuluma ngala manzi amaningi esiwathola laphaya ezindaweni ezifana noBergville. Nala manzi ayatholakala lapha ezindaweni eziningi ezifana noJozini kodwa uma uthi uyabheka ubone abantu abahlala laphaya bengenakho ukuthola amanzi cocekile. Sithi-ke, sikushayela ihlombe lokho Ngqongqoshe ukuthi uye waqhamuka nezindlela kwabakhona ucwaningo olugunyazayo ukuthi malwenziwe nokubhekelela ukuthi abantu bakwazi kanjani ukuthi bazithole lezi zinto sikwazi ukuthi sisebenze ekuthenini sibhekane nezidingo ezidingwa abantu, zamanzi.

Mhlawumbe-ke, sincome nokusebenza koMasipala njengoba uNgqongqoshe eshilo ukuthi imali oMasipala abayisebenzisile beyisebenzisela ukuletha amanzi kube yimali engango-R1.1Billion abakwazile ukuthi bayilethele amanzi kanjalo nezindlu zangasese ukuthi uma kunokusebenza okusezingeni eliseqophelweni elingangaleli lokhu kukodwa kusho ukuthi masikwazi ukubona ukuthi cha, umsebenzi esibhekene nawo siwuHulumeni sisonke mukhulu kakhulu wokuthi sense izimpilo zabantu zibe ngcono kule Province. Esicabanga-ke ukuthi uma sihleli kanje namhlanje, njengoba kukhona amaMayors la phezulu, kukhona thina sila, kukhona noNgqongqoshe la kusho ukuthi

namhlanje sivula enye *ichapter* ethi asingaphinde sibe ne*competition* ebakhona ukuthi thina singuMasipala sibakhulu kule Province, sibakhulu kule National. But, sonke uma sibambisene sazi ukuthi izidingo esibhekene nazo izidingo zabantu zinkulu kunathi. Kudinga ukuthi sibone ukuthi sisebenza ukubambisana ngaso sonke isikhathi singabi nale *competition* engadingakali kodwa sisebenze ngokubambisana ngaso sonke isikhathi.

Mhlawumbe-ke umuntu esehlala phansi okwamanje kufanele umuntu asho baba Somlomo ukuthi umsebenzi enisenzele wona wokuthi naso lesi Sishayamthetho sibonakale siba noguquko, le nto esithi yi*transformation* kuyi *transformation* ngokwakho nje nacho ukuthi sikwazi ukubiza oNgqongqoshe, sikwazi ukuxoxa ngezinto ezithinta abantu la. Sicabanga ukuthi sonke uma sila singamalunga alesi Sishayamthetho, kufanele ukuthi sibambisise ngezandla zombili le zinto. Nalaphaya sihleli eVryheid, isithombe esinye esihle esingazange sivele wukuthi sakwazi ukuthi silaphaya eVryheid sithole u-Auditor General owawubizwe yiPhalamende wakwazi ukuzocacisa ukuthi ukusebenza kwezimali la kuProvince kusesimeni esikanjani. Ngicabanga ukuthi uma sisebenza sinaleyo nhloso izobe isho ukuthi okuningi okuthinta ukulethwa kwezidingongqangi ezidingwa abantu sizokwazi ukuzenza ngoba okusho ukuthi kwathina si*focused* njengabantu ababekwe kuzo zonke lezi zinhla zikaHulumeni. Sithi lokho asikubonge kakhulu sithembe ukuthi sizothatha ngezandla zombili sonke silisebenzise leli thuba sibonge ukuthi singabokuqala ukuthi sikwazi ukubiza oNgqongqoshe bakwazi ukuzosihambela la. besinoTrevor Manuel khona maduzane khona la esivakashele. So-ke, kukhombisa ukuthi isivinini nabantu bala kwiProvince yakwaZulu-Natali bayaqala bayabona kuqala kusa manje kakhulu kunakuqala. Mangibonge okwamanje.

**THE SPEAKER:** Siyabonga kakhulu lunga elihloniphekile baba uSithebe, sizoqhubeka-ke. We proceed to Inkosi uMathaba. Inkosi uMathaba has 9 minutes.

**INKOSI K W MATHABA (IFP):** Thank you. Ngiyabonga Somlomo, mhlonishwa uNgqongqoshe Wezamanzi NKK LB Hendricks namaLunga ahloniphekile ale Ndlu, iziMeya ezikhona eziqhamuka kubo bonke oMasipala abakhona.

Okokuqala nje angisho ukuthi amanzi ayisidingo esikhulu ezimpilweni zabantu. Lapha eNingizimu ne-Afrika sikuthatha sikubeke lokhu kuwukuthi amanzi ebe yisidingo futhi

eyilungelo futhi kithina esiyizakhamuzi. Ngakho-ke lokho siyakuthola futhi nasemalungelweni kwi-Bill of Rights, lapha ku-*Chapter 2* woMthetho-sisekelo wethu ukuthi sithole la manzi. Ngithi mangisho ngibonge inkulumo yakho osuyibekile lapha Ngqongqoshe ukuthi njengoba kulilungelo leli lethu ukuthi siwathole la manzi angisho ukuthi indaba iqalile lapha ngo 1994 besinama Regional Authorities la obekusetshenzwa khona kuthuthwa amanzi edilivwa elethwa ebantwini. Izinkinga siyazibona njengamanje. Olunye lohlupha engicela uNgqongqoshe alubhekisise kahle kulamanzi asedilivwa njengamanje eza ebantwini, ingenxa yamathenda. Ezikolweni zethu, izikole ziyaswela kakhulu amanzi Mhlonishwa.

Ngithi-ke njengoba ubusushilo lapha Mhlonishwa ukuthi wenze ama-statistics akho ase South Africa ukuwukuthi abantu abawu 2 272 000 bala kule Province nabantu abangu 680 abanawo amanzi okuphuza, kuyiqiniso lokho okukhomba ukuthi igxathu liselikhulu okusafanele silitathe nabantu abacela ku 1 million abangenazo izindawo zokulahlala indle ngendlela efanele. Somlomo baba kusho ukuthi uma isigidi sabantu esingenazo izindawo ezihlanzekile kufanele kubabazeke nale ndaba yokuthi kukhona abantu abathola amanzi amahhala kuthanda ukuthi kube ihaba uma ukubheka inamba elana yabantu abathola amanzi. Ngakho-ke Mhlonishwa omasipala bethu basenkingeni enkulu njengoba oqeda kuhlala phansi la kade ekhuluma, uMhlonishwa uSithebe, ngoba labo masipala basekhaleni le ntuthuko manje uma benganikezwa imali efanelekile ukuthi bewenze lo msebenzi bazobukeka njengabantu abahlulekayo ukuthi benze umsebenzi wabo. Ngiyezwa-ke enkulumeni yakho uyathembisa nakuba imali incane kakhulu kunezidingo ezikhona ithanda ukufana neconsi liphonseka olwandle. Omasipala bethu kusho ukuthi abakwazi ukuthi bafeze izidingo.

Mhlonishwa, ngiyafisa futhi ukuthi mangisho ukuthi uSomlomo lo walapha ekhaya kusukela ngomhlaka 1 ku Okthoba kuya mhlaka 5 ku Okthoba kulo nyaka ikomidi lakhe elalihlanganisa wonke amaqembu amewe la eNdlini. UBaba uMthethwa obesihola siphumile futhi sayokuzwa izikhalazo zabantu. Ngiyabonga ngoba lapha eNdlini Mhlonishwa seyethuliwe iriphothi ekhuluma nge crisis esoThukela, uMkhanyakude naseMzinyathi. Ngiyacela ukuthi uMhlonishwa angathi uma ebona leliya bhodlela elilapha bese ecabanga ukuthi yizimbiza lezi zethu, cha, amanzi lana aphuzwa ngabantu bakithi angalungile kodwa naphezu kwalokho uma uyibheka le riphothi ngezansi Mhlonishwa ize isho ukuthi kunengane owesifazane owabe emumethe osanda kubulawa nje isilwanekazana esikhulu eyofuna wona la manzi lana angemahle. Izingozi ziningi-ke

esibhekene nazo.

Ohambeni lwethu-ke sibheke, njengoba eshilo lapha uMhlonoshwa uSithebe, ukuthi kade sithathe iPhalamende salisa ebantwini endaweni esiye kuzona lapha kwiZululand siye eLundi Municipality bebefike bakhale abantu. Ngingazibala nje ezinye izindawo zakhona uWard 20 wakwa Gqikazi bakhala ngamanzi abanawo ama toilet abantu bakhona. Singaya futhi kwa Ward24 kwa Mcineka awekho nhlobonhlobo amanzi okusho ukuthi mningi umsebenzi osafanele wenziwe. Siye futhi kwa Ward 22, nakuba bebonga abantu ukuthi sekukhona ugesi okhona omncanyanyana kodwa nawo amanzi awekho. Siqhubeke sihambe siye eManyamaneni Area la kuthiwa ugesi awukho khona nama toilet futhi awekho. Ngicabanga ukuthi kungumsebenzi wakho lowo Mhlonishwa okufanele usenzele wona. Siqhubeke njalo siye Obuka kwaMlaba la angekho khona amanzi. Bekunguhambo lolu ebesiluthathile namaLunga ahloniphekile, kukhona abanye abakhale ngokuthi, njengakwa Ward 12, abathi nje akukho lutho awekho ngoba engekho amanzi engicabanga ukuthi uMhlonishwa iriphothi lena uzoyithola futhi kaMhlonishwa uBaba uSomlomo.

Ngiphinde futhi ngiye eMadaka kwiZululand, ngisakhuluma nje ngeZululand iyodwa, la futhi le Zululand Mhlonishwa etholakale ukuthi kwayona isebenze kahle nezimali izisebenzise kahle. Ngizwe futhi uMhlonishwa ekhuluma nangokuthi kufanele iminyango ikwazi ukuxoxisana. Ngiyafisa ukuyincoma iZululand kanye noMkhanyakude ukuthi bayakwazi ukuxoxisana njengomasipala bangene ezivumelamweni omunye uma engenawo amandla. Izinto lezo ezenziwe uMasipala wase Zululand kanye no Mkhanyakude la kuzo sizakala khona abantu abacela ku 40 000 ebebengeke bawathole lamanzi mangabe abahlalanga phansi baxoxisana. Ngakho-ke ngiyayithanda leyo ukuthi iminyango kuhle ukuthi mayixoxisane. Sihambe siye kwaNongoma la esaya khona sathola ukuthi nakhona abantu basaphuza amanzi kanye nezinkomo bekhala ngama toilet oHlokolo. Kwa Ward 15 eMahhashini basacela wona futhi amanzi abantu. Kwa Ward 11 abantu basacela amanzi. Oceleni Area abantu basacela wona amanzi kanye nama toilet la osukhulume ngawo la. ESinkonkonko Mhlonishwa, abantu basakhala eZululand basafuna amanzi abanawo. OCabowakhe abanawo amanzi abanawo futhi ugesi, Mhlonishwa.

Ngingaqhubeka ngithini siye eNkosini yakwa Mandlakazi abantu bayawadinga amanzi abanawo eMandlakazi badinga nanama toilet. ESidinsi abantu badinga

amanzi.ESibonelo kwa Ward 2 abantu badinga amanzi badinga nama toilet. Mkhulu Mhlonishwa umsebenzi esisazowuhamba. La manzi nje esikhuluma ngawo, amanzi nje lana ayindalo kaNkulunkulu ehliwa uNkulunkulu ukuthi abantu bawaphuze la manzi bewaphuza mahhala. La manzi abakhona la esikhuluma ngawo abakhona umhlaba ungakahleleki njengoba usunje, amanzi esabizwa ngokuthi wuthwa, ngaleso sikhathi la manzi abaluleke kangaka.

Ngakho-ke ngithike Mhlonishwa uma sihamba kunomasipala ngempela ababukeka sengathithi bayehluleka ukufeza isidingo. Okunye engifisa ukuthi ngikukhalele kakhulu Mhlonishwa njengoba usuze wangena kule Ndlu usemandleni Mhlonishwa ukuthi uwehlise lamandla lana angahlali phezulu ubanikeze omasipala uthi uma usubanikezile la mandla besebenze omasipala ubusuyithumela nemali uyikhiphe imali Mhlonishwa ukuze atholakale amanzi. Kusemandleni akho Mhlonishwa, Ngiyabonga.

**THE SPEAKER:** The hon member Mrs Ambler-More has four minutes.

**MRS M H AMBLER-MOORE (DA):** Thank you, Mr Speaker.

**THE SPEAKER:** That is according to my amended Speakers' List. I am not sure if all members have the amended list.

**MRS M H AMBLER-MOORE (DA):** Thank you, Mr Speaker. My sense of humour kicked in when I listened to the hon Sithebe referring to the sitting in Vryheid. There were not many of us sitting there. I thought there were many chairs being thrown around. Who exactly was doing all the sitting I am not quite sure of.

This morning we had a presentation by Eskom, and the word that cropped up time and time again was "challenges". When you belong to a caucus as small as ours, you are faced with many challenges. One of them is to suddenly having to be an expert on a subject that you really do not know much about because you are not on the committee, but here I find myself addressing this House in front of the hon Minister.

However, I do think that I am qualified to do so, because I am a trained nurse and I fully understand the importance of water and what it means to people, to the health of this nation and to the country. We are very privileged to have had the hon Minister here today, and I want to thank her on behalf of the Democratic Alliance for taking the time to be here.

I have been privileged to have had access to an interpretation of the hon Minister's speech. We have guests here today who came especially to hear the hon Minister. They are non-isiZulu speakers, and I would request that we get the hon Minister's speech translated so that we can give it to the people who did not have the benefit of understanding what the Minister was saying. If that is possible, I respectfully request that. Thank you.

The hon Minister brought very good news to us, particularly regarding the funding of the local authorities in KwaZulu-Natal. However, as I was listening to her, I could not help thinking that it was only the tip of a melting iceberg. I just wondered about the statistics that the hon Minister gave us. Having spent quite a bit of my time working in this House, working in rural areas, I wonder if there are not more people without running water. The Minister is aware of the appalling condition that exist in terms of access to clean drinking water. It is always the women and the children who suffer the most. You see, it is the women who go to the river. It is the children who always help their mothers and their *gogos*. I was just wondering if the figures are not, in fact, much higher than the ones quoted by the hon Minister.

Madam Minister, you gave us very good news about the amount of money you have put aside for dams, particularly for keeping industries going through times of drought. I know it has been a concern in this province, and the question often asked is: Do we have enough dams? However, I have every confidence that the hon Minister is addressing that issue.

When it comes to water and sanitation, my hon colleague Mr Keys will speak on that. However, I really want to touch on a few points. As you have said, water plays a very important part – the hon Minister used the words “a pivotal role” – in our daily lives, and the statistics are scary.

I was very pleased to hear the telephone numbers that the Minister was reading out in terms of monies that have been allocated to improve water provision in this province. As I was listening to the Minister, I could not help thinking that we should be very thankful that we have such a good head in the South African Revenue Services in the form of Mr Pravin Gordhan. He has collected enough money for the provision of water sanitation for the people of this province. We thank the hon Pravin Gordhan. We used to meet behind

the bushes in the days of the struggle. I must just add that we were always in the company of others! [Laughter] I have often asked the question - and I do not expect an answer in this debate – but if the SARS can get it right, why can Home Affairs not get it right, too?

There is another point I would like to raise, Madame Minister. I believe we need to do a lot more for education. We tend to educate people when there is a water crisis. I think it should be ongoing. There should be continued education of our school children and of our communities. We need to realise that South Africa is a water-strapped country. What is more, we have a shortage of water, and people need to be conscious of how to save water. I grew up in a drought, so I am very conscious of it. [Time expired.] Thank you.

**THE SPEAKER:** Thank you, hon Mrs Ambler-Moore. The next speaker is the hon Mr Rajbansi. The hon member has eight minutes.

**MR A RAJBANSI (MF):** I have listened very attentively to the hon Minister for Water Affairs and Forestry. She has come, she has promised, and in her reply we would like her to give us a time when she intends to conquer.

In world history civilisations grew around where water was available - the Nile, the Rhine, the Ruhr, the Indus valley, Tugela, etc. Later on, there was another factor that shaped the history of the world, and that was looking for spices. It can categorically be stated that there are certain fundamental rights enshrined in our Constitution, but there are also certain rights and necessities of life that are enshrined by the Lord.

My colleague, the MEC for Health, will agree that when the Lord created the human body, he did not say that we should take tablets. He laid down a rule that every human being must drink two litres of water. My colleague here is a pharmacist, and she told me that if you are stuck with high blood pressure, you should drink water and the pressure will stabilise. Water is very, very necessary for health.

**AN HON MEMBER:** Your colleague and your wife.

**MR A RAJBANSI (MF):** This morning I was watching a very interesting programme on TV3. There is a conference in Nigeria about how to solve Nigeria's water crisis. The chilling news about Nigeria was that only 25% of Nigeria's population has access to fresh water. There was also a reference in the programme to a proposed Africa Water

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Summit.

However, there are two important messages which the hon Minister has given us, and that is that, as a result of a provision in the Constitution and national legislation, the national Parliament, three portfolio committees and the NCOP and the provincial Legislature - through our portfolio committee – have gone to the grassroots level, to the deep rural areas to municipalities that are struggling, where people are crying for many of these facilities. These people have been listened to. The Deputy President has gone. Our national Minister present here today also confirmed that she has been listening to the people. Our President has gone.

When she emphasises that, she is responding positively. She is giving us programmes and she is giving us details of funds that are being set aside to address the challenges and the needs and the cry of the people. It is a clear indication that our efforts to go to *imbizos*, meeting the people, have been positive and are bearing results.

The hon Minister also gave us details of our rainfall belt, pointing out where we do not have sufficient national rainfall. We must also look at our catchment areas. We must look at the Lesotho Highlands Water Project. We must see if we can get water from the northern states, in other countries from the Zambezi valley, for instance.

I was telling you about a United Nations Water Report which gave details about the long-term water problems of the universe. We should not only look at the challenges of our immediate future, because our population is going to increase. Our industrial and commercial activities are going to rise. I say this against the background of history: The countries that have become economic powerhouses had their foundations built on agrarian reforms. The United States built itself into a powerful nation because they built dams. They built an excellent irrigation infrastructure. China is powerful because of agriculture. India is powerful because of agriculture.

I told the hon Minister earlier that the Indian government remains in office and is voted out of office based on water and electricity issues. She must therefore also look at the problems. What happens if our water supply runs dry, as is happening in Australia at present? Australia is experiencing a severe crisis. They are worried about the expansion of their population. They are worried about immigration because the whole country has a water crisis.

I am glad that the hon Minister gave us a programme where she covered the whole of the province of KwaZulu-Natal. Of course, there are some people who will say that things were done according to party affiliation. The programme she has given us is where the cry is the loudest, where the need which exists is the greatest.

I am glad she highlighted one important factor: In Bergville and Jozini we have dams, but the people in the immediate adjoining areas do not enjoy the benefits. We get water through bulk supply. We also have to reticulate water through municipalities. I want to appeal to the hon Minister that, when the formula for the distribution of municipal infrastructure grant is determined, we must give smaller municipalities more money. Do not give more money to bigger municipalities who generate their own revenue, because that is where they need the financial capacity and the ability and capability to give you the infrastructure for internal reticulation for sanitation.

I have brought an example of a type of “dry” sanitation system in India. This system does not require a lot of water, and it has won an award from the United Nations..

Within the context of sports we want to build swimming pools, but in certain areas we cannot build swimming pools. Madam Minister, KwaZulu-Natal is the swimming province of South Africa. We won first prize for swimming at the SA Games, so I hope when your dams are built ... [Time expired.] May I just add that, historically, the first irrigation system in this province was done by Indian engineers from India. They set up the first infrastructure for irrigation. Thank you.

**THE SPEAKER:** Thank you, hon member Mr Rajbansi. We will now proceed to the hon member Mrs Downs. She is not in the House and therefore forfeits the opportunity to address the House on this matter. We will then proceed to the hon member Mr Kubheka. Hon Mr Kubheka, you have 10 minutes.

**MR M A KUBHEKA (ANC):** Ngiyabonga Somlomo. Ngicela ukuthi ngiqale ngokuthi ngizwakalise ukuqala nami ukuthakasela kwami kakhulu ukuba khona kukaNgqongqoshe kazwelonke othintana nalezi zindaba zamanzi namahlathi. Kodwa ngiphinde-ke futhi ngizwakalise ukuthakasela kwami kakhulu inkulumo yeNkosi yaseMacambini, umhlonishwa iNkosi uMathaba osethe enkulumeni yakhe wabala izindawo eziningi kakhulu lapha esifundazweni lapho kunabantu khona abadinga izidingo ezifana namanzi nokunye. Esho uMcambi umhlonishwa egcizelela-ke

nokubaluleka kwalolu hlelo lokusa iPhalamende ebantwini ngoba ethi uMcambi yikho lokho okwenza ukuthi sazi ukuthi kudingekani kuphi. Siyayincoma kakhulu leyo Mcambi. Kuphela nje-ke ngiyazwelana naye umhlonishwa iNkosi uMcambi ngoba angazi ukuthi uzothini eqenjini lakhe. Uzolalaphi ngoba phela alifuni nokuyibona indaba yokuya ebantwini. Manje lokho kungenzeka ukuthi usenza buthuntu isikhali seqembu lakhe sokuthi uma ngabe kuyiwa ebantwini kumoswa imali. Uphuca-ke iqembu lakhe isihlangu sokusina kodwa-ke inkulumo yona iliqiniso. Ngingakuqinisekisa mhlonishwa uMcambi ukuthi ngenxa yale nkulumo yakho yokumelana neqiniso uma iminyango ikuvalekela ngapho ongakhona nakuba uNobhala wami engekho la eduze kwami kodwa nginesiqinisekiso sokuthi uyovuma ukuthi uyomukeleka ngapha ngakithi ngoba abakhuluma iqiniso yibona kakhulu esibafunayo ngapha. Mcambi.

Coming to the subject of today, I think we need to pat ourselves on the back and draw inspiration from the fact that we have made great strides in the fight against underdevelopment in our communities since 1994. I am saying this against the background of hundreds of years of socio-economic exclusion of the majority of the people in our country, our province included.

I am making this statement against the background of just 13 years of concerted effort to eradicate the ugly legacy of the past system. Hon Minister Hendricks, as we make our inputs, based on your report to this House, we count ourselves amongst those who do not necessarily believe, but who know for a fact that it is not forever that our people will live without reliable and permanent sources of clean and purified water.

We live in a province that is populated with vast tracts of rural land which are home to millions of people who were deliberately and systematically excluded from the mainstream political and socio-economic development of the country. It was not by coincidence, but by design, that these rural communities in the main should not have even a basic social services infrastructure. Life in the reserves for cheap labour had to be unbearable so that people will always be readily available to go to work and lodge in hostels in big cities and towns far away from their underdeveloped homelands. Running water, electricity, roads and solid shelter, amongst others, were preserves, though in a limited way, of urban dwellers.

In case some of us have lost sight and memory of this historical reality and start talking as

if nothing has ever been wrong, hundred percent of the people without water in this province live in these areas that I have just cited. iNkosi Mcambi ivumelene nami umhlonishwa kakhulu uma ebala zonke lezi zindawo ozithola eZululand, ozithola eMkhanyakude nakulezi ezinye izindawo ongazibala. Kulezi zindawo ezazikade ziphethwe ohulumeni laba abakhandwa baba yimigogwane ngenhloso yokuthi kube yithi njengabantu esithatha irresponsibility ye-underdevelopment kube kungasithina esilawula izimali nomnotho wezwe ngokunjalo.

What is the picture today? I have had a sight of a survey by the SA Institute of Race Relations regarding the delivery of water. It indicates a 10,3% increase in the number of people with access to clean piped water in the period of three years - that is, from 2002 to 2005. It indicates a rise in figures from 56% in 2002 to 62% in 2005. This is great progress. We are making progress, but the challenge remains for us to ensure access to those without access to water, including the estimated 700 000 people who live without proper sanitation.

In your 2007 budget speech, hon Minister, you made one very key and important point, and you have alluded to it in the report you delivered in this House today. I would like to quote verbatim what you said in your budget speech in the National Assembly on 17 May of this year, if I recall correctly, and I quote:

One of the biggest challenges faced by the municipalities is lack of bulk water infrastructure and waste water treatment capacity. This lack of infrastructure is becoming particularly acute as we roll out water and sanitation services. The optimum solution is often regional works that could supply a number of municipalities. This solution requires the municipalities to co-operatively plan funds and operate the works.

Further on in her speech the Minister makes the point that her department has decided to establish a special programme for water services bulk infrastructure, and that R1,4 billion throughout the country has been allocated over the next three years. I am sure that we in this House cannot agree with you even more, hon Minister. You have heard other members saying that we need to improve and develop the capacity of our municipalities to enable them to spend even more than you have commended them for in this particular area.

Your point about municipal co-operation re-enforces what you have also indicated here about our engagement with the problem-riddled UThukela Water Company which, as a water services provider, is a very important and strategic initiative. As we all know, it has great potential, but at the present moment it is on the brink of total collapse.

I am happy that you have alluded in your report that you also engage with the Office of our hon MEC, Mr Mabuyakhulu, in trying to assist in whatever way possible to get Uthukela Water Company back on track, so that communities from those areas are also able to access this important resource.

In conclusion, thank you for the progress report which you have presented here. Maybe before that, let me re-enforce a point which the hon member Sithebe has touched on, namely that of aligning the targets of municipalities with the broader targets of your department. He mentioned the fact that most municipalities are working on plans for 2020 or 2030, when we have 2008 and 2010 as important deadlines. I think aligning those particular programmes is important. Thank you, hon Speaker.

**THE SPEAKER:** Thank you, hon Kubheka. We will now proceed to the hon Rev Mbatha who also has 10 minutes. That is in accordance with my amended Speakers' List.

**REV A H MBATHA (NADECO):** Ngiyabonga Somlomo. We thank you honourable Minister and your department for the good work done on the provision of water in our country. Ngiyabonga nje-ke nokuthi Ngqongqoshe ufike ukhulume ngesiZulu lapha ePhalamende angethembe ukuthi ufundise abaningi lapha beqembu lakho ukuthi kulePhalamende kufanele ukuba kukhulunywe ngesiZulu.

Indaba yokuqala Ngqongqoshe esifanele ukuba siyibheke ukuthi udaba lwezamanzi kwakukhulunywa ngalo kuqala abantu bengazi bomdabu ukuthi kwenziwani ngamanzi. Iningi labantu bomdabu bazi ngamanzi ngoba sekuthiwa kuzokwakhiwa idamu lapha ngakho thuthani. Futhi abantu bazi ngendaba yamanzi uma sebebona idamu elikhulu lakhiwa endleleni lapho behamba khona kokunye lifike liggqibe nomthombo lapho izinsizwa zazeshela khona. Mina ngiyakweseka ukuguqulwa kwama-irrigation boards atransfome abe ngama-Water Users Associations. Kodwa isikhalo sami mhlonishwa ukuthi noma ibhodo seliguqukile laba yi-Water Users Association abalimi abamnyama bahlala belokhu bengenawo ama-irrigation rights njengalokhu kwakunjalo kuma-Irrigation Boards. Futhi uma bewathola ama-Irrigation Rights bangabi nayo nhlobo imali

ye-infrastructure ukuze ukuze bakwazi ukufaka ipump lapho kufanele ifakwe, khona bakhokhele ugesi, bafake i-infrastructure yamapayipi aze afike amanzi lapho befuna ukuwasebenzisa khona. Lokhu kwenza ukuba bamangale abalimi abafufusayo ukuthi yini ngoba uhulumeni wabelungu wayebasiza abelungu ukuba bakuthole konke lokhu. Bese kuthi uhulumeni wabantu bakubo angabasizi bona bengabalimi abafufusayo nge-infrastructure ukuze bakwazi ukukuthola konke lokhu. Futhi okungenani Ngqongqoshe uma uhulumeni engathi uzobanikeza ama-irrigation rights abakhokhele bese ethi nina zamani i-infrastructure yokuthi niwathathe amanzi niwalethe emapulazini noma emafarmini enu ngabe kungcono. Okwamanje kuvele kungabi bikho lolo lusizo ngaphandle kokukhuluma ngalo kule Ndlu. Ngiyabahlonipha abahlonishwa bezolimo bahlale bekhuluma kule Ndlu sengathi ayaphophoza amanzi ezindaweni zethu sizithulele nje thina esaziyo ukuthi sizobuyela kuma arêtes amanzi engekho. Endaweni mina lapho engihlala khona Ngqongqoshe umlimi omhlophe owayengaphambi kwami wayenedamu elikhulu esebenza atshale izitshalo kwafika imvula enkulu yaligqabula lelo damu sengizofika mina, angisoze ngibe nayo imali yokulakha ngoba lalaxiwe yimishini kahulumeni wabamhlophe belakhela umuntu omhlophe. Uma ngikhuluma mina njengomlimi omnyama nombuso wakithi omnyama ngifana nomuntu obhedayo ngitshelwa izinto zize zibe yinkulungwane ezenza ngibone ukuthi angisoze ngiyithole.

Indaba elandelayo mhlonishwa yilena, ukuthi abalimi abasafufusayo ababalwa ndawo bona emxhasweni- kodwa ngizwile lapha mhlonishwa ngiyakuhlonipha futhi ngiyabonga ngizwile ukhuluma ngabaseMajuba ukuthi bazosizwa abalimi abafufusayo ngiyakubonga futhi ngiyakuncoma lokho sengathi kunganda.

Umhlonishwa wezolimo umhlonishwa ohloniphekile uMtholephi uthe ngesonto eledlule eThekwini uma sekunekhulumulo lezindiza abalimi abaseduzane kwaseThekwini bazosizakala ukuba batshale izilimo bese zihanjiswa ngekhumulo lezindiza ziye phesheya, ngahleka ngizwa lokho ukuthi nangu uNgqongqoshe ehlekisa ngabantu bakithi. Bayobe bewathathephi amanzi okutshala lezo zilimo, bayobe beyithathephi i-infrastructure yokuthi bakwazi ukuthi izilimo zabo zingangenwa yizifo? Ngabona ukuthi zihle izifiso kodwa kungokunye uma lezo zinto sezenzeka. Angikaze ngimbone mina umlimi waseThekwini oxhaswa nguhulumeni ukuba atshale izitshalo ngisho kule makethe nje yalapha kithi, ngisho ofufusayo.

Ngithi-ke mina, amavegetable okukhulunywa ngawo azoqhubeka etshalwa ngezinye

izizwe ezixhaswayo noma ezaxhaswa okwaxhaswa oyise-mkhulu okunamhlanjena sezivuna izithelo zefa lawoyise-mkhulu. Akusoze kube ngabakithi, thina siyekelwe mhlonishwa emabhangeni anonya ngendlela ongakaze uyibone. Kuthiwa mina uma ngingumlimi ofufusayo ngifanele ngibe no 50% ukuze ibhange likwazi ukungisiza, ngaphandle kwalokho angisoze ngilithole ibhange elingangisiza ngisho leli okuthiwa ngelesizwe, ngezwa kuthiwa lithenga isoccer club endaweni ethile.

Ngithi-ke mhlonishwa, kufanele ukuba kube khona okungenani umnyango wakho okwenzayo ukwelekelela nge-capital abantu bese kuba yindaba-ke yabantu yamanzi okuphuza mhlonishwa ngiyakubonga lokhu okushilo. Kodwa kuyo yonke indawo imiphakathi mhlonishwa ikhala ngokuthi ayinawo amanzi afinyelela lapho ihlala khona. Kweyakithi indawo ngenxa yemining imifula eyayigeleza kuphuza izinkomo nathi siphuza khona seyangena ngaphansi yashona ku-water table ngoba uma kucollapsa amadwala emining imithombo eqhamuka ngaphezulu ishona ngaphansi bese kuthi imifula oyaziyo eyayigcwala uma lina izulu ingabe isaba khona kuphenduke ugwadule endaweni. Endaweni yakithi kunogwadule kunenyungunyane kuphela umfula ongaphuza kuwo amanzi nakhona ngithi mhla kwafika abayokwenza imining iNyungunyane iyoshona ngaphansi kodwa kunedamu elikhulu elibizwa nge Pareys Dam elakhiwe emfuleni uBivane, bagijima kulo ngezikebhe kodwa kube kuyidessert kuyo yonke indawo esiphila kuyo ngoba lawo manzi esingakwazi ukuwaphuza into akwazi ukuyenza ukusivalela imigwaqo ukuba sifike ezihlotsheni zethu.

Bese-ke ngifika endabeni yama-alien plants mhlonishwa ngiyakubonga ngalowo mzamo owenzayo abakwa-Water Affairs ngokubulala ama alien plants kuma catchment areas. Kodwa nakhu mhlonishwa, kufanele le nto ibe co-ordinated nabanikazi bezindawo ukuze abanikazi bezindawo bakwazi ukwenza inkuthalo ukuba ama-alien plants abulawe. Iprocess ihamba ibe slow ngendlela eyinqaba ama-alien plants agcine eseyiqova yinke indawo amanzi aphele silindele iprotocol elandelwa ngumnyango uma kwenziwa lokhu. Mhlonishwa umnyango wakho ufanele ukuba uselekelele ukuba ukulwa nama alien plants kwenziwe ngamandla.

Kukhona amadamu asavalwa yi-hyacinth. I-hyacinth eyenza ukuba kugcine kusilte up idamu lingasatholakali nhlobo ukuba libe khona kanti ukuba i-hyacinth yayispreyiwe noma yenguliwe ngesu elithile amanzi ayezoqhubeka abe khona. I-hyacinth futhi inamandla iyawaqeda amanzi a-evaporeta aphele ngesidumo uma idedelwe yaba phezu

kwamanzi.

Mina-ke mhlonishwa ngithi uma uke waphumelela ukusenzela lokhu uyobe usenzele olukhulu ikakhulukazi thina bantu abangabalimi abafufusayo. Eyethu indlela yindlela enzima ngenyathuko eyinqaba, uthi ubheka ngala kwezolimo umnyango wezolimo uthi akuthina lapho abakwa-Water Affairs bese uthola ukuthi abakwa-Water Affairs aba reguletha abaphethwe kuprovince. Mina ngisondele kabi emnyangweni wakho mhlonishwa izisebenzi zakho zingakutshela. Ngike ngiye emihlanganweni yabo ngihlale sixoxe sikhulume ngiye futhi noma ubize indaba ngifike ngilalele ngikhulume, kodwa ngidideke mhlonishwa ukuthi kuzo zonke lezi zindawo awuzungasimema thina njengabalimi abafufusayo ukuze usizwe ukuthi yini ezethu izinhlopheko ezimaqondana namanzi. Yini izinto thina esingazibeka emnyangweni wakho seluleke ngazo ukuthi singasizakala uma kwenziwe lokhu nalokhu. Mina ngithi-ke mhlonishwa uma ungaselekelela ngalokho uyobe usisizile bese usivikela mhlonishwa kulaba asebephendule imithombo yakithi yemvelo bayiguqula yaba yimali, bese bethatha la manzi kaNkulunkulu nje atholakala ezindaweni bese befaka izimpompi bewathatha bewafake emabhodloleni naliya nje leli bhodlela. Uma umuntu efuna ukuwaphuza la manzi kudingeke ukuthi aphenduke isigwili esikhulu kanti la manzi ayekhona nje ekhiwa ngezigubhu ekhelwa obaba baziphuzele bengawathenganga, bangabe besakwazi ukuba ne access kula manzi kanti ngawakhona lapha ezweni lakithi nawo ngakho-ke nakuleyo ndawo mhlonishwa ungasiza uma ungaselekelela ukuba amanzi angayi ngokudula esikhundleni sokuba aye ngokudula aye ngokutholakala kubantu bakithi.

Mina Ngqongqoshe ngithi, uma ungasivuselela amadamu asasilta up, usivuselele amadamu asagqabuka emuka usisusele ihyacinth, uselekelele ukuba amaboreholes ethu angacollapsi, uyobe uselekelele ngezamanzi.

Ngiyabonga.

**THE SPEAKER:** Shall we then proceed? Awu kahle kahle honourable Chief Whip ufunani lapho engabe usendaweni yakho? Buyela endaweni yakho. Baba uMsomi awukhulume for six minutes.

**MR B J MSOMI (UDM):** Somlomo angiqale ngokubonga nami ukuthi umbiko othulwe uNgqongqoshe uwenzile umsebenzi wakhe, uresearchile ngoba into ayikhulumayo yinto esiyibonile nathi. Mhlawumbe nami ngizovumela uKhathide ukuthi mhlawumbe yikhona

iNkosi yaseMaCambini igcine icula leli culo egcine ilicula, kobe kusho ukuthi-ke cha ngiyabonga iNkosi. Cha, iNkosi ikhulume kahle mina ngibonga lokho nje.

Ehh, Ngqongqoshe ngithi angibonge kuqala ngenkulumo yakho yonke oyishilo ngoba ucishe wakuthinta konke lokhu obekungihlupha mina njengamadamu amakhulu afana noJozini nelinye elilaphaya eMtuba nakwezinye izindawo othola ukuthi abantu abaseduzane kwalezo zindawo abakwazi ukuwathola amanzi. Okungiphatha kabi-ke Somlomo ukuthi uma ngibheka eMakhathini Flats, neJozini Dam, iJozini Dam yakhelwa ukuthi iphakele abantu abangabalimi kube yi-irrigation kukhona ischeme laphaya se-irrigation, kodwa okwenzakalayo njengamanje lesiya scheme siyafadabala ngoba akekho umuntu okwazi ukuvuselela leya mishini nokunaka leya mishini amapump alaphayana cishe acosta amabillions masekwenzeka.

Kodwa ngiyabonga mhlambe uNgqongqoshe uma kukhona-ke akushilo mhlambe ukuthi kukhona ukuvuselela okuzoba khona okuzokwenzeka laphaya. Omasipala badonsa nzima Somlomo. Ngiyakhumbula nje kwenye indawo siseMtuba kunesomiso esiyisimangaliso la kwaze kwakhulunywa khona indaba yama waterkan. Mhlawumbe ngingajabula uma umnyango kaNgqongqoshe la engakabi khona amanzi bakwazi mhlambe ukuqhamuka nezinhlalo zokukwazi ukuwusiza lowo mphakathi ngoba sekunezifo eziningi manje ezidalwa ukuthi amanzi awekho.

Mhlambe balekeleleke nalabo masipala ukuthi bakwazi ukuthola izimoto ezanele ezingakwazi ukuthi ziyise amanzi emphakathini. Okunye-ke abantu abakhala ngakho kakhulu ezindaweni zasemakhaya yilaba mhlambe umhlonishwa uMfundisi uMbatha akade ekhuluma ngabo abangabalimi abasafufusa. Imfuyo emakhaya iyafa ngenxa yokuthi awekho amanzi. Ngikhumbula nje kwenye indawo esasambe khona nayo iNkosi kwesikaCombrink, abantu bathi okungenani bangajabula uma bengase bakhelwe amadamu ukuze imfuyo yabo ikwazi ukudla. Ngiyakubona okwabo, kodwa nemfuyo igcina ifile ngenxa yokuthi amanzi awekho.

Ngiphinde futhi ngibonge la ukuthi uNgqongqoshe akhulume khona ngendaba yoThukela Water ngoba leya yinkinga leya Ngqongqoshe esihluphe kakhulu abantu bekhala ukuthi yebo banawo amandla kodwa amanzi abawathola laphaya abiza ukwehlula abantu abakwazi ukufinyelela kuwona. So kungaba kuhle-ke mhlawumbe ukuthi ngempela leyo nkinga ikwazi ukuxazululeka ngokushesha ngoba isithanda ukuba

yimbi kakhulu.

Enye into ebengifisa ukuyazi ukuthi yini umnyango oyenzayo ukuvuselela njengoba sekuke kwakhulunywa ngomunye wemifula la uSuthu ngoba le nto ye global warming cishe iyona futhi enesandla ekushiseni imifula yakithi ngoba siyabona ukuthi la ma seasons esesibhekene nawo, amaseasons esiwabonayo manje awasafani nala maseasons esasiwazi ukuthi awu 4 ngonyaka; kukhona intwasahlobo, kukhona ihlobo, kukhona intwasabusika, kukhona ubusika. Izinto zijikile manje ngoba ngisho imifula ebingashi isiyasha manje. Ngale kwalokhu ekade kushiwo uMfundisi uMbatha ukuthi mhlawumbe ngenxa yalezi zihlahla zokuhamba amaalien plants, igcina imifula emikhulu ishile. Ngingajabula ukuzwa ukuthi uNgqongqoshe kukhona yini abakwenzayo ukubhekana nale problem le yeglobal warming.

Okunye-ke engifisa ukukusho la uma kukhulunywa ngogesi njengoba kade kukhona abakagesi la bakwaEskom, banohlelo lokuthi izikole nomnyango wezemfundo la kuthiwa izikole zizofakelwa khona ugesi kodwa asizwa kahle emnyangweni ukuthi lukhona yini uhlelo-ke lokusiza lezi zikole ezisemakhaya ezingenawo amanzi nhlobo ngoba ayadingeka amanzi kulezo zikole. Angikholwa ukuthi singalinda eside isikhathi kuze kungene ugesi amanzi engekho ngoba ngokwami amanzi ahamba phambili kunogesi. Ngingajabula uma uNgqongqoshe engasho ukuthi lukhona yini uhlelo abanalo lokulekelela izikole zakithi lezi ezisemakhaya ngempela ukuthi zikwazi ukuba namanzi ngoba kuyinkinga ngempela amanzi awekho ngisho ama toilet akhona uthole ukuthi awashaywa adala izifo awekho clean ngalolo hlobo.

Okunye-ke sinezibhedlela Somlomo ezifana nakoMzimkhulu lapho kuthiwa khona amanzi ayaphela nje ezibhedlela angabi khona kuthiwe isiguli asihambe siyozikhelela amanzi kwenye indawo, ukuthi sekuke kwafika yini emnyangweni bakwazi ukuzilekelela lezo zibhedlela ukuthi zikwazi ukuthola amanzi ngaso sonke isikhathi. Cishe uNgqongqoshe wezeMpilo okhona la uwufakazi wami uyazi ukuthi kunezibhedlela ezingakwazi ukuthola amanzi. Cabanga-ke isibhedlela singenawo amanzi ukuthi kusho ukuthini. Enye yezinkinga leyo engicabanga ukuthi umnyango kufanele ubhekane nayo.

Kungasiza-ke futhi kakhulu, izikole njengoba sengishilo, bese kuzoba yilezi zindawo-ke Somlomo othola ukuthi abantu abakhelene eduze kakhulu, they are not densely populated, othola ukuthi amanzi nje ababalwa ngisho ukubalwa. Uma kuthiwa

abazifakele ipayipi kukhulunywa ngenkulu imali kuthiwa abantu abazidonsele amanzi, ukuthi ngabe akuzoyidala yini inkinga kusasa ukuthi labo bantu abakulezo zindawo bagcine bethuthile baya emadolobheni bayokwakha imijondolo lo uNdiyema athi uzama ukuyiqeda ngenxa yokuthi izinkonzo zentuthuko azikho ekhaya awekho amanzi emakhaya ukuthi ngabe bacatshangelwa kanjani labo bantu abanjalo ukuze bangasuki ezindaweni abahleli kuzona ngoba kuba yinkinga ukuthi uzofaka intuthuko lapho sekunabantu khona kuthi nala abantu abaxxxx ngoba labo bantu bagcina besukile lapho baya la kukhona khona la kwenzeka khona izinto. Ngeke yini kusilekelele ukuthi kulezi zindawo ezingenabo abantu kangako bacatshangelwe ngezinkonzo ezifana namanzi ngoba amanzi ayisidingo-ngqangi ngeke uphile ngaphandle kwamanzi, ngaphandle uma kuthiwa suka kuleyo ndawo uhambe uyodala enye inkinga futhi ezojika ihluphe yena futhi ugovernment. So bengibonga kakhulu ukuthi ireport esiyitholile cishe iyasivula amehlo futhi ikukhavile okuningi. Ngiyathemba ukuthi nomasipala ababe khona la iziMeya zikutholile cishe ebezifuna ukukuthola nazo ukuthi ulwazi olukhona ngokuthi wenzani umnyango. Ngiyabonga.

**THE SPEAKER:** Allow me to give this opportunity to the hon member, Mr Keys. The hon Mr Keys has seven minutes

**Mr R E KEYS (DA):** Thank you, Mr Speaker and thank you, hon Minister.

*[Insert isiZulu]*

... before we come to this House to be able to debate it. In that sense we have not had the responsibility ... [Interjection]. That is no excuse! We have not been able to do justice to the in-depth report that has been delivered by the hon Minister.

Madam Minister, the right to water is a basic human right. Water is life. My colleague Mrs Ambler-Moore made that very clear. The delivery of water rests in the hands of local authorities. Now, there are 39 out of 61 local authorities that are under forensic investigation. That is a disaster, whichever way one looks at it! If local municipalities are unable to manage themselves correctly, how can we expect them to manage water supplies?

They have to deal with catchments. You have spoken about dams that are going to be built, and we commend you on the number of dams you have put forward. The feeding

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of the Mooi River into Midmar is long overdue and it will supplement the feeder that has been developed between Mooi River and Midmar.

We know the Greytown Dam is essential. Greytown has run out of water a number of times, and maybe we should also look at Kokstad because the prisons that have been built there have put enormous pressure on the water supplies in Kokstad.

Madam Minister, you have said that money is in the budget. Could we have an indication of when it is going to start? What are the timelines? You have mentioned a two-year plan in terms of the building of dams. However, it will be an enormous task to build the five or six dams that you have identified in a two-year period, if I heard you correctly.

An item that we need to deal with in this province is sewerage and sewerage treatment. The capital city of KwaZulu-Natal is Pietermaritzburg. We have a sewerage treatment plant on the banks of the uMsunduzi which is creaking and groaning at its seams. It cannot take an additional load. We have the entire Edendale Valley which is still on the long-drop system. We have not moved towards water-borne sewerage in the Edendale Valley. Where does that sewerage go for treatment?

We have a sewerage treatment plant in Dannhauser. It is a situation which I think the health authorities would condemn, because it allows for open-plan sewerage to develop. If you drive past there, you will see that it is worse than being in some of the worst school toilets you have ever been in your life.

There is a diminishing capacity in our cities, Madam Minister. There is a diminishing capacity in our cities to deal with sewerage. We have a number of cases where raw sewerage spills into the rivers in the province. It is surely your responsibility and jurisdiction when it comes to protecting the integrity of our water systems. Are we actually dealing with it? [Interjections] I am not addressing the hon Unhappy Blose. [Laughter]

Madam Minister, we would like to know how the dams are planned in terms of population growth, in terms of agriculture needs and in terms of industrial need. Many years ago, while I was studying, we were able to ascertain that the carrying capacity for the entire country is 80 million people. We are getting very close to that. We are going almost up to 50 million. Of course, the population will grow exponentially. How do we in this province

understand the needs?

I must say, it is good news that the Jozini Dam is going to be used to provide water for the residents. It is a sin to see a huge dam when the people living on its banks are not able to have water. In that sense, yes, well done and let us hope that that goes ahead.

I would like to address another matter in the hon Minister's report, and that is the question of uThukela. Now, uThukela has three WSAs - uMzinyathi, Amajuba and Newcastle. They put uThukela on terms because of the management of uThukela Water Board being in such a disastrous situation. A municipal entity is there to serve the people and to serve the municipality that is paying it. This is one example of where this entity has gone terribly wrong because of greed, self-enrichment and a complete lack of service ethic.

I would just like to read from the minutes and a report. When they talk about the company, they are talking about uThukela, and I quote:

No financial reporting in terms of WSP agreements and the MFMA, notwithstanding numerous reported requests.

It just refuses to give financial reports. I continue:

Failure to institute proper credit control and debt collection; excessive drainage on WSA funding; very poor and in certain areas non-existent service delivery ...

Here this company has been paid millions of rands for zero service. There is no accountability in the company. There is a shortfall in the top-up clause in the WSP agreement. Less than 18% of the budget is actually spent on operations of the company. The bulk of the money that goes to uThukela goes into high S & T claims. A board member attends a sitting of the board, and for this is paid R5 000. This is excessive, Madam Minister. In this case greed has overtaken the service ethic. We have to deal with it at its core.

As I have said, these municipalities have put that company on terms. If they do not pull their act together by January, that board is history. The problem is that uThukela has built up such an enormous number of liabilities that the municipalities will struggle to pay it of. [Time expired.] I thank you.

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**THE SPEAKER:** Thank you, hon Mr Keys. The hon iNkosi N J Ngubane has 10 minutes.

**INKOSI N J NGUBANE:** [\[Insert isiZulu\]](#)

A pamphlet originating from the Department of Water Affairs and Forestry reads, and I quote:

The South African Constitution states that everyone has the right to an environment that is not harmful to their health or well-being. This includes a constant supply of clean, safe drinking water.

However, it does not end there. The same pamphlet continues to say:

Safe drinking water is water that is acceptable for humans to drink and use for other domestic purposes such as food preparation and bathing.

This is a noble ideal which we cannot fault, but does it reflect the reality of our country? Yes, according to the South Africa Survey of 2006/2007, the proportion of the population receiving free basic water has increased in KwaZulu-Natal, among other provinces. However, a closer look at the same survey reveals that, while by 31 March 2006 the proportion of the poor in this province who had access to free basic water was 67%, this figure becomes nothing to write home about when it is considered within the context of different race groups. The same survey tells us that only 24,1% of Africans have running tap water in their dwellings, compared to 87,7% of other races.

This situation tells a tale of two cities, as it were. On the one hand, one is attracted to a life of plenty and luxury in the major cities of KwaZulu-Natal where access to water is a matter of moving from one's lounge or bedroom to turn a tap in the kitchen. However, the picture changes completely when one travels away from these developed areas to the rural parts of our country, where the majority of us come from. Here you come face to face with want and poverty. You are confronted with long queues of women and children, each carrying up to 25 litres of buckets of water drawn from polluted rivers in most cases.

[isiZulu](#)

[Kuhle kwesinye isikhathi ukwenza isibonelo ngendawo ohlala novella kuyo.](#)

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Laphaya eSisonke sinezindawo zaMakhosi okuyilezi:

- a) AmaNgwane
- b) Bhidla
- c) Zashuke
- d) Macala Gwala
- e) Memela
- f) AmaKhuze
- g) Isiboneelo Esihle
- h) Madzikane
- i) Vezokuhle

Uma ngibala lezondawo ezithinta iBulwer, Donnybrook ngiyiyeke ingxenye enkulu yeSisonke.

Kulezindawo engizibalulile, ngaphandle kwemifudlana engashi, ubusika nehlobo, kukhona imifula emibili emikhulu, okunguMzimkhulu noMkhomazi. Yomibili lemifula isuka ezintabeni zoNdi noKhahlamba iyongena shi olwandle, ngaphandle kwedamu ngisho elilodwa nje elivimba amanzi. Wonke-ke laMakhosi nabantu abaphila nawo ezindaweni zawo abanamanzi. Izicagogwana ezakhiwa ziyasha ebusika abantu babuyele ezindongeni nalapho bengathola khona lawomanzi angahlanzekile.

UMnyango wezoHulumeni baseKhaya nezaMakhosi neZindlu uyazi nje ukuthi noma wangemukela kahle ekukhaleni kwami ngamanzi kodwa alukatholakali usizo. Sisadla noma siphuza amanzi nezilwana zasendle nemfuyo yomphakathi.

Singathokoza kakhulu uma uMhlonishwa uNgqongqoshe engalekelela ikakhulu nagezimali ukuze uMnyango wethu weSifundazwe noMasipala uSisonke bakwazi ukusisiza.

The IFP is founded on the principles of *ubuntu* and integrity; hence we do not avoid

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giving credit where credit is due. Let it be recorded, therefore, that the government has taken noticeable strides towards ensuring that all residents in this country have access to clean and safe water.

[Insert isiZulu]

For that we applaud the government. However, I argue that, if the ANC had been brave enough to break away from the shackles of its alliance partners and fully embraced the IFP's position which is based on experience and realism, they would have done far better than what they are doing now.

Our policy on water affairs has always been as follows: The IFP does not accept that water should be "owned" and controlled, down to the last drop, by the national Minister of Water Affairs, but that its management should be KwaZulu-Natal, devolved to the lowest practicable levels. The IFP believes that the national government must limit its role to co-ordinating and planning for the collection of water through the building of dams and canals, as well as tapping river systems in neighbouring countries which have spare capacity. Bureaucratic controls over water should be reduced in order to save money.

The management of water resources and the allocation of water, including the sale of water, should be entrusted to the provinces. Provincial administrations should manage all aspects of water provision except those involving major capital projects, the integration of water systems and international negotiations over the supply of water from foreign countries. The value of water should be recognised between provinces through the payment of royalties.

The day-to-day control of water resources, in their areas of jurisdiction, should be entrusted to traditional agencies such as municipalities, irrigation communities and traditional councils where applicable.

The IFP advocates the privatisation of water and urges that the control of water be effected through the price mechanism. Private companies which enter the field of water supply should be contractually bound to provide water to needy communities. Moreover, the poor and the needy should be assisted with payment for water, where necessary, through government subsidies.

We understand that the ANC comes from a Marxist-Leninist background which was

premised on the concentration of power and nationalisation. While global events that led to the collapse of the USSR and other Communist states forced the ANC and other Marxist-Leninist groups to revisit their positions and reposition themselves, it is also true that old habits die hard. However, we applaud the government for having heeded some free lessons which the IFP has given them. The IFP will always show the way. This is evident in a statement that was made by former Minister of Water Affairs, the hon Mr Ronnie Kasrils, who, when responding to the question on the issues of water, stated, "We seek in a practical, non-ideological way sustainable solutions. [Time expired.]

[Insert isiZulu]

**MR S J GCABASHE (ANC):** I rise on a point of order, Mr Speaker.

**THE SPEAKER:** Yes, Mr Gcabashe?

**MR S J GCABASHE (ANC):** Mr Speaker, a point of order ... [Insert isiZulu] 17:21:50

**INKOSI N J NGUBANE (IFP):** I do accept that, Mr Speaker. [Laughter] I need something to stand on in order to be seen by the people. [Laughter]

**THE SPEAKER:** *INKosi yamaBovu uma kudlalwa ngayo kuzofanele ukuthi ngiyigade.* Hon Minister for Local Government and Traditional Affairs, MEC Mabuyakhulu, you have 10 minutes. That is the final member who will take part in the debate. As I have indicated, I will give the hon MEC Mkhize an opportunity to speak, after which the hon Minister will have an opportunity to reflect on the issues raised in this House. Hon MEC Mabuyakhulu, please proceed.

**MEC M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs):** *Somlomo ohloniphekile wale Ndlu, mhlonishwa Ngqongqoshe kazwelonke okanye nathi, mhlonishwa Ndunankulu namalunga ahloniphekile onke akhona phakathi kwethu.*

*Kuyisibusiso ukuba lo hulumeni wentandoyeningi usiphe ithuba elifana naleli nohulumeni oholwa yinhlangano yabantu kulesi sifundazwe ukuthi ngesikhathi sekuyiyo ephethe uhulumeni walesi sifundazwe kuleli Phalamende ime ithi mpo ingagudluki yazi ukuthi kunemisebenzi kahulumeni okudinga ukuba yenziwe ngoNgqongqoshe bakazwelonke ibalethe la kulesi sifundazwe la kuleli Phalamende ukuba bazokhuluma izindaba*

ezithinta isizwe.

Siyafisa-ke ukuqala mhlonishwa Ngqongqoshe sithi akukho silima sindlebende kwabo ngaso sonke isikhathi. Kuye kube khona-ke osikhwili phambana nobhoko abasebenzisa le nkundla ukuba bazizuzele bona ngokwezombusazwe. Abanye-ke abangalikhulumi iqiniso njengoba linjalo. Lunga elihloniphekile uKeys, akalikhulumanga iqiniso mhlonishwa nxa ethi umbiko uyaye ubekwe ngayizolo ngoba awukho umbiko obekwa ngayizolo ngoba phela usuke uzokwethulwa uNgqongqoshe ngalelo langa. Kakwenzeki ngisho kulesi sifunda, ngakho-ke ubegibela imfene emini nje nxa ethi kuyenzeka lokho.

Okwesibili, sifisa ukuba sibonge ukuthi inhlangotho yabantu, umbutho wabantu wesizwe u-African National Congress kanye nabantu baseSouth Africa ngo 1955 bayihlahla le ndlela okunamhlanje-ke sesihlangene la ukuzoqhuba lowo msebenzi. Kuyasithokozisa nxa sizwa ukuthi abantu babethe uma sekukhona uhulumeni wentandoyeningi uyobhekana ngqo nezinto eziyizinselelo nezidingo zabantu. Yikho lokhu-ke okukhona mhlonishwa okubeke phambi kwalo mbiko wale Ndlu ehloniphekile yePhalamende. Kodwa futhi sibonga ukuthi le nhlangano ikhulule ngisho nabanye ebebengakwazi ukukhuluma ngokukhululeka. Siyakuthokozela ukuba iNkosi yaseMaCambini, uMthabelo wokudla okukhulu akhululeke la alimele iqiniso njengoba linjalo. Siyakhuleka Mcambi Mthabelo Wokudla Okukhulu ukuba ilambu lokukhanya selifikile, lifike ngempela ngoba iqiniso liyazisho awukwazi ukulifihla. Liyazisho ukuthi nxa leli Phalamende liya ebantwini lisuke liqonde ukuyozwa lezi zidingo zabantu nxa kukhona phakathi kwethu abafisa ukuthi imibono yabantu ingezwakali lo mbiko wakho mhlonishwa omuhle kangaka ubuyozwakala kangakanani. Bewungeke ngempela udile ngokuthi leli Phalamende kusuke kungashaywa abantu ngemfe iphindiwe. Kasisho kubantu ukuthi kababambe iqanda lenjelane nxa siya kubona. Sisuke siyoba kubona ngeqiniso ukuthi balaleleke nazi izimpendulo ziyabonakala. Imisebenzi-ke yomuntu nomuntu iyakumlandela futhi imisebenzi yomuntu nomuntu iyabonakala. Angisho mhlonishwa ukuthi siyazi ukuthi kubantu bakithi kusekhona umgamu omude esisazowuhamba. Siyazi ukuthi kwaZulu-Natali kusenabantu abangamashumi amathathu nanye ekhulwini abasazodinga ukuba sibahlelele ukuba bakwazi ukuthola amanzi eduze. Siyazi ukuthi kulesi sifundazwe sinezindlu ezilinganiselwa ku 2.272 million ezikhona, kulezo zindlu ezilinganiselwa ku 707 000 azikabi nawo amanzi eduze. Siyazi ukuthi ngasesimani sezimali esinazo sinezimali kulesi sikhathi sesabelo sezimali eminyakeni emithathu esingamabillion amathathu nje kuphela kodwa siyazi ukuthi kunomehluko wemali enkulu ngamabillions

angaphezulu kwalokhu ayisikhombisa esisilele ngawo emuva. Kodwa futhi okusijabulisayo mhlonishwa ukuthi kawenqeni ukuza kithi ukuba sibambisane sikhulume sibe nemihlangano. Yingakho nje sithi kufanele ukuba lolu daba siluphathe ngendlela okuyiyona. Siyazi ukuthi kulesi sikhathi esizibekele sona noma ngabe abantu bakwaZulu-Natali bonke abawatholi amanzi futhi abakayitholi indlela ehloniphekile yokulahlwa kwetshe lentaba ngeke bema bathi abayibonanga imizamo kahulumeni wabo abamkhethe ngokwentando yeningi.

Siyazi futhi mhlonishwa ukuthi sesibe nomhlangano sakhuluma ngodaba lwesomiso nemiphakathi yakithi ekhahlamezeke kakhulu ikakhulukazi eMkhanyakude, eZululand, eMzinyathi, oThukela, oGwini nezingxenywe zikaSisonke. Umemezele-ke mhlonishwa ukuthi imali engu R35 million ibekwe eceleni. Sikhulumile ukuthi-ke yebo kusenesidingo esikhulu sokwengeza njengoba ezinye zezikhungo zomphakathi ezifana nezibhedlela nezikole zingakabi nawo amanzi siyazi ukuthi udaba lolu esilukhulumayo kodwa esingemi simemeze singenzi lutho ngalo ngoba akusizi ukukhuluma umuntu abe nomlomo omkhulu okwesicebetho kodwa kube kungekho lutho esilwenzayo. Sithi kubalulekile ngalolu daba ukuba lumiswe kanjalo. Siyabonga-ke futhi nemali ewu R355 million yokwakha izinto zokwakhela abantu izingqalasizinda kwaZulu-Natali kwezamanzi. Mhlonishwa ngifisa ukusho ukuthi uMnumzane uKeys ezintweni eziningi azikhulumayo imvamisa yazo zivame ukungayakhi into eya phambili, kodwa kunodaba olulodwa engizobuya kulona ngasekugcineni lwasoThukela Water. Ngiyabonga mhlonishwa Ngqongqoshe ukuthi sivumelene la emhlanganweni ukuthi imiphakathi ehlala eduze kwamadamu efana no Woodstock efana noNanda efana noJozini, sizobambisana siwuhulumeni wesifundazwe nohulumeni kazwelonke ukuba leyo miphakathi ikwazi ukuhlomula ingabuki amadamu nje ngamehlo kodwa ibe ingazuzi lutho kuwona. Sivumelene futhi ukuthi sizokwakha ithimba leminyango kahulumeni wesifundazwe nokazwelonke elizobambisana ukuqinisekisa ukuthi lolu hlelo siyakwazi ukululetha ukuze abantu bakwaZulu-Natali abangazuzanga ngesikhathi sohulumeni abadala ababebasusa nje bangabanikezi ngisho amanzi belahlekelwe yizindawo zabo. Sekuwumsebenzi wethu esizowenza thina ngoba kasichomi bafika la bezochoma bebe kade ngayizolo bengenzi lutho.

Mhlonishwa ngifisa ukudlula odabeni loThukela Water. Sithi kuyinto eyichilo nehlazo ukuthi uThukela lube sesimeni elikusona ngoba ngesikhathi lwakhiwa laba abalwakha babefuna ukuzuza amandla. Njengoba uzwile ukuthi nalayiNdlini kukhona abafuna

amandla aye kwamasipala. Abawafuneli ukuthi aye komasipala ukuze assize abantu bafuna ukuthi aye komasipala ukuze kwenziwe ukungalungiswa, kube khona ogimbela kwesabo bababuke futhi bangenzi lutho ngabo. Umkhandlu ophethe uThukela Water okuwuMzinyathi, iNewcastle, Amajuba njengoba kwaphuma uThukela bayaqhubeka nokuthatha izinqumo ezishaqisayo. Yilolu daba-ke mhlonishwa esinomqingo ongaka weForensic Investigation kodwa ngoba-ke konke lokhu kumele imphakathi nesizwe ngeke sibukelele nje mhlonishwa kukhona ukuganga. Khona maduze nje sizokhuluma ngalolu daba ngoba izinyathelo ezinqala sizozithatha. Yilapho engithi siyavumelana khona-ke noMnumzane uKeys ukuthi kungesize ukuthi umhlonishwa iNkosi yaseMaCambini neNkosi yakwaZashuke bafune amandla bebe behlukela ngisho ukukhuza omasipala abaphethwe yibona beganga oThukela Water.

Bawafunela la mandla ukuganga ngawo. Abawafuneli amandla ukusiza abantu ngoba abenzi lutho ukukhuza. Asizwa ukuthi iqembu labo okuyilona eliphethe labo masipala liyakhuza. INkosi yakwaZashuke ibiphethe ngaphambili ayikaze ibakhuze abantu.

**THE SPEAKER:** Ndabezitha noma kodwa sesidelelana-ke kodwa igama lokuthi umbhedo uma selizwiwa nayimina kufuneka ngenzenjani manje. Ikakhulukazi ngoba phela iNkosi futhi iyona ethe akufunakali ukuthi kube khona ukufutheka. Ake sicele nje Ndabezitha ukuthi iNkosi ake ingalisebenzisi leli gama lokuthi umbhedo.

**INKOSI N J NGUBANE (IFP):** Ngishilo impela ukuthi ukufutheka akungabi bikho kodwa bengingasho ukuthi umuntu akafutheke kimina. Ngakho-ke ngiyalihoxisa.

**THE SPEAKER:** Ngiyalibonga impela nacho-ke ebengikudinga impela nami yilokho nje kwalelo gama. Ngqongqoshe ngiyibonile imizuzwana yakho emncane ehambile kodwa ayiminingi kakhulu. Njengensizwa-ke ngiyazi ukuthi ngeke ukhalele imizuzwanyana emincane, qhubeka-ke Ngqongqoshe.

**MEC M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs):** Mhlonishwa Somlomo kuyaye kuzwele uma iqiniso linjalo liyababa vele. Sithi thina-ke kuNgqongqoshe asingakhulumi ngamandla asikhulume ngomsebenzi womphakathi. Uma iqembu leNkatha Freedom Party bekukhona elikwenzayo laphaya oThukela, lingabukeleli kugilwa imikhuba ngabe siyalizwa kodwa siyazi ukuthi laphaya oThukela ukuze izinto zonakale, imali eningi iye ukuyokondla abantu ayiyi ukusiza umphakathi, isiza abantu ababekwe laphaya yiqembu ukuzizuzela bona. Alibakhuze-ke

iqembu ngoba khona kusasa siyothi uma ngabe sesi acta kubo ogombela kwesabo bazokhala kuqala. Into engeke siyenze siyohlala singasesayidini labantu ngaso sonke isikhathi ngeke sithule sibuka abantu beganga ngeke sithule.

Okunye engifuna ukukusho yilokhu, elokuthi iqembu le IFP elithi lifuna kuprivethayizwe lalingakwenzi ngani liphethe, lifuna bonke abantu bangatholi amanzi? Ngeke sikuvume. [Time expired.] Siyabonga Somlomo.

**THE SPEAKER:** Hon members, we have come to the conclusion of this debate. It which was supposed to be a very objective debate and a very cool one, but apparently it has raised a few emotions.

There is a vehicle – NCW 16278 - which is blocking the exit at the parking lot. [Insert isiZulu] The owner of this car must please remove it. It is blocking the exit at the parking lot. NCW 16278, please, if that is your car, remove it.

I did indicate that I am going to allow the hon MEC Mkhize to make a statement in terms of Rule 100. The Rule does provide that members can respond for no longer than three minutes. That is your right. However, I can see this is a major policy statement which you may wish to debate. As soon as it is read and tabled in the House, I am going to refer it to the Whips Forum for the Chief Whip to discuss it with the Whips, so that you may decide whether you want it dealt with in any other manner after it has been tabled here. I am raising that, because I am sympathetic to your own views around the statement.

The hon MEC Mkhize will then take the floor. After the MEC has made his statement, we will then adjourn officially. As soon as we adjourn, I will then be in a position to allow the Minister to deal with any reactions that there may be on issues that have been raised during the debate. That session will be presided over by the Chief Whip, after which the Chief Whip will then allow the Premier to thank the hon Minister on our behalf. After we adjourn, I will allow the Deputy Speaker to just make one final announcement that we do have.

Before the hon MEC Mkhize, Leader of Government Business, proceeds: Members of the Rules Committee, please remember that we have a Rules Committee meeting after the Minister has spoken.

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**DR Z L MKHIZE (MEC for Finance and Economic Development; Leader of Government Business):** [Somlomo Baba. Insert isiZulu 05:38:34](#)

Just to clarify matters, I believe I might have information that will assist hon members in the House, seeing that some statements which they have uttered indicate their particular interest in this particular matter. I therefore wish to deal with the issue of forensic reports prepared by the Internal Audit Unit.

In recent months the Internal Audit Unit, stationed in the Provincial Treasury, has been receiving more and more requests from this House and its portfolio committees to release forensic reports prepared by the unit. These requests are problematic for several reasons.

Firstly, we need to understand the role of the Internal Audit Unit as opposed to externally appointed forensic auditors. The role of the Internal Audit Unit is to assist the accounting officers with the effective discharge of their responsibilities in the areas of internal control, risk management and government. This is in terms of Section 38 of the PFMA.

Reports issued by the Internal Audit Unit are therefore intended for use by the unit's principal clients, namely the accounting officers of the departments. Releasing these reports to external parties can compromise the freedom of action of accounting officers and betray the principle of client confidentiality. This applies to forensic investigation reports, as well.

In the case of forensic reports, however, there are other compelling reasons for not releasing these reports to external parties, as a matter of principle. These reports are often required as evidential material in criminal investigations and cases pursued by the Commercial Crime Branch of the SAPS, as well as the Scorpions Unit of the National Prosecuting Authority. For example, we have provided the forensic report on the Department of Agriculture to the Scorpions for further investigation. Sometimes these reports are used many years after they were initially compiled. To have the contents of the reports debated in an open session in the House could therefore render the information useless as evidential information in subsequent criminal investigation, especially the court procedures themselves.

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It is also often incorrectly assumed that the Internal Audit Unit under Treasury is the author of all forensic reports in the province. This is clearly not the case. For example, many of the reports called for by this House and its committees were, in fact, commissioned by other departments or provincial entities using external forensic auditors. Examples are the forensic investigation commissioned by Ezemvelo; the Strauss Daily Report on Dr Nyembeze, commissioned by the Office of the Premier; the Alexandra Report into the Taxi Industry, commissioned by the Office of the Premier and the Department of Transport; the forensic investigation commissioned by the Department of Local Government and Traditional Affairs into Utrecht and other municipalities.

Another report that has been cited is the report on matters within the Growth Fund. This report has been completed and has been tabled to the Board of the Growth Fund. I just want to indicate that that is not about a problem of the Growth Fund itself. However, there is a specific project that is being investigated on aquaculture, and we do not wish to create an impression that there is corruption in the fund in general. However, there was a specific aspect that was being looked into, which is a particular project - not all the projects and not the whole fund.

In summary, the aforementioned reports are not in the possession of Provincial Treasury and we are therefore not in a position to release them to this House. I have actually received correspondence from the hon Dr L P H M Mtshali who asked for this report. I did indicate to the hon member that we are not in a position to release this report. We had hoped that this matter was well understood by other members.

The exceptions are the report on the Rehabilitation Trust, which was shared with the Portfolio Committee on Finance after the report had been utilised by the investigators, as well as this one on the Growth Fund. Disciplinary proceedings are proceeding internally. The investigation into the finance and administration of the Department of Agriculture is another report. Hon members should note that this was not a forensic report. A forensic report was subsequently compiled and provided by the Scorpions. I think the members know the difference. The first one was an internal audit report, which we shared with hon members without a problem. However, the subsequent one is a forensic report which is now being provided to the Scorpions. This report is still being used by the Scorpions in a

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criminal investigation and can therefore not be released and debated anywhere else, as it is intended for the courts.

Section 30 of the National Prosecuting Authority Act prohibits the disclosure of information relating to investigations without the permission of the investigating officer. I have received a written question from the hon Burrows, asking whether the Scorpions have explicitly prohibited this report from being tabled here. This is the provision that is applicable. Of course, Section 35 of the same Act provides for the National Director to be accountable to the national Parliament in respect of his powers, functions and duties.

I wanted to bring this matter to the attention of the House, because I have noted that there is quite a lot of interest in the reports and already an impression is being created that somebody is shielding someone else in respect of these reports. This perception is incorrect.

I also want to warn members of this House who coax and coerce members of the administration to leak information which they would like to use for their own political ends, or to attack members of the Executive because they believe that the information is factual. I have had occasion to discuss this matter with some editors, and I have warned them that some of the information that has been given to them is half-baked. When the truth comes out and when the verification has been done, they then discover that the information was incorrect. We want to warn you that you will be taken to court and a law suit will be brought against you. There will not be any officials who will testify in support of any members, because you will find that something has been done in breach of some administrative provisions.

We believe it is important that such a warning be sounded because we had an experience where a report was given to the media even before the matter was released to the Executive, before the principals even asked for the report. Where it is possible, we have taken this House into our confidence. We discuss matters with committees on a confidential basis and we will continue to do so. The kind of approach that is being used is actually bordering on a breach of the separation of powers between the Executive and the Legislature. In this case, we wish to indicate to hon members that some of the things that have been done might be bordering on that, and we would like this matter to be given attention.

We will not tolerate members who go to the department and use what I would call “sources” to try and extract information. I think it is important for us to issue a clear warning, because we are now getting to a situation where statements are made which have no basis in fact, but which have a basis on the fact that somebody whispered something. When we want to follow up and get to the truth of the matter, we do not find it.

We have no problem with any member wishing to debate an issue which is based on a report. Quiet frankly, we even offer the reports to members when we submit them for members’ perusal. Therefore, if we wish to debate matters like that, like when we debated the Internal Audit Report, I think that is fair. However, when people start going to the administration to try and extract some information, really, I think that is actually unethical.

I wanted to make this statement, because members are clearly keen to get those reports. Indeed, one of the motions which we heard this morning was suggesting that it is Treasury which should make available these reports. I just want to indicate that it is not necessarily so and, therefore, I do not want anything to be on record in this House which even suggests that there is a report that is outstanding from Treasury when, in fact, there are specific departments that have been dealing with these issues.

I want to thank you for obliging me, Mr Speaker. Thank you very much.

**THE SPEAKER:** Thank you, hon Dr Mkhize. Chief Whip, I take it that the IFP’s statement has been made and, as I have said, has been referred to the Whips Forum. Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I think the statement carries such weight that it needs to go to the Whips Forum. We would support a full debate on it.

**THE SPEAKER:** Hon Rev Mbatha?

**REV A H MBATHA (NADECO):** Thank you, hon Speaker. I concur that this matter deserves a debate in this House, especially so that there could be clarity on issues like access to information. We will have to arrange a time for such a debate to take place.

**THE SPEAKER:** Mr Msomi?

**MR B J MSOMI (UDM):** Yes, Mr Speaker, we are in line with your proposal.

**THE SPEAKER:** Thank you, hon members. That then closes that matter. Since we have concluded this matter, we will now allow for what I have indicated, that is, we will adjourn the House until 10:00 on Tuesday, 27 November 2007.

*The House was adjourned.*